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A C T S A N D S T A T U T E S

Made in a Parliament, Begun at *Dublin* the Twenty Seventh Day of *August*, *Anno Dom.* 1695. In the Seventh Year of the Reign of Our Most Gracious Sovereign Lord King *WILLIAM*. Before His Excellency, *HENRY* Lord *CAPELL*, Lord Deputy General and General Governour of His Majesties Kingdom of *IRELAND*.



D U B L I N,

Printed by *Andrew Crook*, Printer to the Kings Most Excellent Majesty, on *Ormonde-Key*. 1695.

A C T AND S T A T U T E S

MADE IN A PARLIAMENT ASSEMBLED
SEVENTH DAY OF MAY, 1834
SEVENTH YEAR OF THE REIGN OF
GEORGE THE FOURTH, IN PARLIAMENT
ASSEMBLED, BY VIRTUE OF THE
POWER CONTAINED IN AN ACT
INTITLED "AN ACT TO AMEND
THE LAW RELATIVE TO THE
MAGISTRATES OF THE CITY OF
LONDON."



(7/22/34)

An ACT for An Additional Duty of Ex-
cise upon Beer, Ale, and other Liquors.

C H A P. I.

An Act for taking away the Writt De Heretico
Comburendo.

C H A P. II.

BE it Enacted by the King's Most Excellent
Majesty, by and with the Advice and Con-
sent of the Lords Spiritual and Tempo-
poral, and Commons in this Parliament
Assembled, And by Authority of the same, That
the Writt commonly called Breve de Heretico Com-
burendo, with all Process and Proceedings there-
upon, in Order to the Executing such Writt or
following or depending thereupon, And all punish-
ment by Death in pursuance of Ecclesiastical Cen-
sures be from henceforth utterly taken away and
Abolished, any Law, Statute, Canon, Consti-
tution, Custom or Usage to the Contrary hereto-
fore, or now in Force in any wise Notwithstand-
ing. Provided always, That nothing in this
Act shall Extend or be Construed to take away or
Abridge the Jurisdiction of Protestant Arch-Bi-
shops or Bishops, or any other Judges of any
Ecclesiastical Courts in Cases of Atheism, Blas-
phemy, Heresy or Schism, or other Damnable Do-
ctrines and Opinions, But that they may proceed
to Punish the same according to His Majesties
A 2 Eccle-

Ecclesiastical Laws by Excommunication, Depri-
vation, Degradation ; And other Ecclesiastical
Censures, not extending to Death, in such sort
and no other as they might have done before the
making of this Act, any thing in this Law con-
tained to the Contrary in any Wile Notwithstand-
ing.

An Act Declaring all Attainders and all other
Acts made in the late pretended Parliament to be
void.

C H A P. III.

FORASMUCH as since the happy
Accession of His Majesty, King WIL-
LIAM, and the Late Queen MARY,
of Blessed Memory, to the Imperial
Crown of England, Whereunto this Kingdom of
Ireland is Inseparably Annexed, United and Be-
longing, no Parliament could or ought to be hold-
en within this Kingdom, unless by their Maje-
sties Authority ; Yet Nevertheless divers Per-
sons during the late War and Rebellion in this
Kingdom, Did on or about the Seventh Day of
May, One Thousand Six Hundred Eighty Nine,
Assemble themselves at or near the City of Dublin,
without Authority Derived from their Majesties ;
And in opposition thereto. And being so Assem-
bled did pretend to be, and did call themselves by
the Name of a Parliament, and Acting in Con-
currence with the Late King JAMES, did make
and pass several pretended Acts or Statutes, and
did Cause the same to be Placed and Recorded a-
mongst the Records and Proceedings of Parlia-
ment. All which pretended Acts were Formed
and Designed in manifest opposition to the Sove-
reignty

reignty of the Crown of England, and for the utter Destruction of the Protestants, and the whole Protestant Interest in this Kingdom; And are and were Null and Void to all Intents and Purposes whatsoever.

And whereas Their said Majesties out of Their Pious and Princely Care of and for Their Dutiful and Loyal Protestant Subjects of this Kingdom, and for their better Security and Relief by an Act of Their Parliament of England made at Westminster in the First Year of Their said Majesties Reign, were Graciously pleased to Enact and Declare, That the said pretended Parliament so as aforesaid Assembled at Dublin was not a Parliament, but an Unlawful and Rebellious Assembly, And that all Acts and Proceedings whatsoever had, Made, Done or Passed, or to be had, Made, Done or Passed in the said Pretended Parliament should be Taken, Deemed, Adjudged and Declared to be Null and Void to all Intents, Constructions and Purposes whatsoever. For which We the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, Do Return Our Most hearty and Unfeigned Thanks to his Most Sacred Majesty. And for the better and further Quieting and Assuring the minds of his Majesties Good Subjects, and to the Intent that no Memorial hereafter may remain amongst the Records of Parliament of any of the Acts or Proceedings of the said Unlawful and Rebellious Assembly, We the Lords Spiritual and Temporal, and Commons in Parliament Assembled, Do most humbly Beseech your Majesty, That it may be Enacted. And be it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

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Temporal

6 Anno Regni Septimo
 Temporal, and Commons in this present Parliament Assembled; And by the Authority of the same, That all and every the Acts or pretended Acts, and the Rolls whereon the said Acts or pretended Acts, and every of them are Recorded or Engrossed, And all Proceedings of what nature or kind soever had made, done or passed by the said persons lately so assembled at Dublin, pretending to be or calling themselves by the name of a Parliament, and also all Writs issued in order to the Calling of the said pretended Parliament, and returned into any Office in this Kingdom and there remaining, and all the Journals of the said pretended Parliament and other Books or Writings in any wise relating thereunto, or to the holding thereof, shall by the Officers or Persons in whose custody the same are, be brought before the Lord Deputy or other Chief Governour or Governours of this Kingdom for the time being, at such time as the Lord Deputy or other Chief Governour or Governours for the time being shall appoint at the Council Chamber in Dublin, and there shall be publicly and openly Cancelled and utterly Destroyed, and in case any Officer or Person in whose hands or custody the said Acts and Rolls or Proceedings or any of them do or shall remain, shall willfully neglect or refuse to produce the same to the intent that the same may be Cancelled and Destroyed according to the intent of this Act, every such Person and Officer shall be and is hereby adjudged and declared to be from thenceforth incapable of any Office or Employment whatsoever; and shall forfeit and pay the Summ of five hundred pounds, one half thereof to His Majesty and the other half to such person or persons that shall Sue for the same by any Action of Debt, Bill, Plaint or Information in any Court of Record whatsoever. And

And whereas, the said Unlawful Assembly calling themselves a Parliament did take upon them to Pass one or more pretended Acts, whereby in most Cruel and Barbarous manner they did by Express Name Attaint of High-Treason the greatest part of the Lords Spiritual and Temporal and principal Commons of this Kingdom, all which Attainders as also all other Acts and Proceedings or pretended Acts or Proceedings of the said pretended Parliament are hereby Declared and Enacted to have been from the first making thereof and now to be absolutely Null and Void to all Intents, Constructions and Purposes whatsoever.

Be it further Enacted and Declared by the Authority aforesaid, That all and every person and persons who by Express Name or otherwise, by any Proceedings of the said pretended Parliament were Attainted of High-Treason or any other Crime, or subjected to any Incapacity, Disability or Forfeiture, are hereby Declared and Enacted to have been, ever since the making of the said pretended Act or Acts, and to be persons lawful, able and capable to all intents and purposes whatsoever, and free and discharged of and from all Attainders, Corruption of Blood, Disabilities, Incapacities and Forfeitures whatsoever, as fully, freely and intirely, as if the said Acts or pretended Acts or any of them had not been made or passed, and as if they and every of them had been particularly named in this Act, and by express name and words had been declared to be restored in Blood, made Capable, Free and Discharged as aforesaid.

to have full power to do as they shall think good in this behalf.

An Act to Restrain Foreign Education.

C H A P. IV.

WHEREAS many of the Subjects of this Kingdom have accustomed themselves to send their Children and other Persons under their Care into France, Spain, and other Foreign parts, not under His Majesties Obedience, to be Educated, Instructed and brought up, by means and occasion whereof the said Children and other Persons have in process of time Engaged themselves in Foreign Interests, and been prevailed upon to forget the Natural Duty and Allegiance due from them to the Kings and Queens of this Realm, and the Affection which they owe to the Established Religion and Laws of this their Native Country, and Returning so Evilly Disposed into this Kingdom, have been in all Times past the Movers and Promoters of many Dangerous, Seditious, and often times of open Rebellion. For Remedy whereof.

Be it therefore Enacted and Declared, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That in case any of His Majesties Subjects of this Realm of Ireland, at any time after the end of this Session of Parliament, shall pass or go, or shall convey or send, or cause to be conveyed or sent, any Child or other Person, into any parts beyond the Seas out of His Majesty's Obedience, to the Intent and Purpose to Enter into or be Resident or Trained up in any Priory, Abby, Nunnery, Popish University, Colledge, or School, or House of Jesuits,



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Jesuits or Priests; or in case any of his Majesties Subjects of this Kingdom, shall after the time aforesaid pass or go, or be conveyed or sent out of this Kingdom, into any parts beyond the Seas out of the King's Obedience, to the intent and purpose to be Resident or Trained up in any private Popish Family, and shall be in such parts beyond the Seas by any Jesuite, Seminary Priest, Fryer, Monk or other Popish Person Instructed, Perswaded or Strengthened in the Popish Religion, in any sort to profess the same, or shall convey or send, or cause to be conveyed or sent, by the hands or means of any person whatsoever, any Summ or Summs of Money, or other thing for or towards the Maintenance or Support of any Child or other Person already gone or sent, or that shall hereafter go or be sent, and be Trained and Instructed as aforesaid, or under the name or colour of any Charity, Benevolence or Alms towards the Relief of any Priory, Abby, Nunnerie, Colledge, School or any Religious House whatsoever; every Person so going, sending, conveying or causing to be sent or conveyed or sent, as well any such Child or other Person, as any Summ or Summs of Money or other thing, and every Person passing or being sent beyond the Seas, contrary to the Intent and Meaning of this Act, and being thereof lawfully Convicted in manner and form hereafter mentioned, or upon any Information, Presentment or Indictment for any the Offences as aforesaid, to be found by any Jury of twelve Men of the County or City, or Town Corporate, where such Person or Persons so going or sending shall have any Estate of Inheritance, when he or they did so send or go, such Person and Persons so going or sending willfully, from and after such going or sending, shall be for ever

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Disabled,

Disabled, from and after such finding, to Sue Bring or Prosecute any Action, Bill, Plaint or Information in course of Law, or to Prosecute any Suite in any Court of Equity, or to be Guardian, or Executor, or Administrator to any person, or Capable of any Legacy or Deed of Gift, or to bear any Office within the Realm, and shall Lose and Forfeit all his, her and their Goods and Chatties which he, she or they hath, or any other person or persons have or hath in trust for him, her and them, and shall Forfeit all his, her and their Lands, Tenements and Hereditaments, Rents, Annuities, Offices and Estate of Freehold, and all Truiss, Powers and Interests therein, for and during his, her and their natural Life and Lives.

And be it further Enacted by the Authority aforesaid, that if any Information be given to any Justice of the Peace that any such Child or other Person, Summ of Money, or other thing is or are gone or sent away, Contrary to the Tenor of this Act; That then every such Justice of the Peace within the Limits of his Jurisdiction is hereby Authorized and Required forthwith to Cause to be brought before him all such Persons Suspected or Charged to have Offended therein; And shall Examine the Person or Persons so Suspected or Accused without Oath: And also shall Examine any other Person or Witnesses upon such his and their severall and Respective Corporal Oaths concerning the same; And if upon such Examination it shall appear probable to such Justices of the Peace that such Child or other Person, Summ of Money, or other thing is, or are gone or sent away, Contrary to the true Intent and Meaning of this Act, then the said Justices of the Peace shall Bind the said suspected Person or Persons with sufficient

sufficient Sureties, and such other Persons as he
 shall judge fit to give Evidence: And the said In-
 former or Informers in Recognizances of the
 Summ of Two hundred Pounds, or such greater
 Summ or Summs as to the said Justice or Justices
 of the Peace shall seem Reasonable, with Condi-
 tion to appear at the next Quarter-Sessions of
 the Peace to be held for the said County where
 such Offence or Offences is or are supposed to be
 Committed, or where the Offenders did last Re-
 side, or were taken, and not to depart the said
 Court without License: And the said Justice of
 the Peace shall at the first Sitting of the said
 Court of Quarter-Sessions Return the said Exa-
 minations and Recognizances unto the Clerk of
 the Peace in open Court, who shall Cause an In-
 formation to be Framed against such Person and
 Persons, or Suspected Person or Persons who
 shall Instantly answer thereunto, and proceed to
 Tryal thereon, and in Case upon such Tryal it
 shall by proof appear to the said Court of Quarter-
 Sessions that any Person, Summ of Money, or
 other Thing was by him, her or Them sent or
 Conveyed, or Caused to be sent or Conveyed into
 any parts beyond the Seas out of his Majesties
 Obedience; And in Case by such proof it shall ap-
 pear probable to the said Court that such Sending
 or Conveying was Contrary to the true Intent
 and Meaning of this Act, then he, She or They
 shall take upon him, her or Themselves the proof
 where such Child or other Person so by them
 sent then is, and also to what intent and purpose
 such Summ or Summs of Money, or other thing was
 or were sent by him or them beyond the Seas; And
 in case any such Child or Children, or other Person
 or Persons that shall go as aforesaid, Contrary to
 the

the Intent and Meaning of this Act, or be sent or Conveyed away as aforesaid, or any summe or summes of Money by way of Exchange or any other ways or means whatsoever shall be sent after the time herein Limited beyond the Seas into Foreign parts, as aforesaid, to any the Intents and Purposes aforesaid, Contrary to the Design or Intent of this Act, that such going or sending shall be Adjudged, Deemed, and taken to be going or sending, Contrary to this Act, unless the Party or Parties denying the same shall prove the Contrary, or if by Failure of such proof or otherwise upon Examination it shall appear to the said Court of Quarter-Sessions of the Peace that such Offence or Offences hath or have been Committed Contrary to this Act, the same being Entered on Record, shall be a Conviction as well of the Person or Persons so being sent as of the Parties so sending, and they and every of them shall Forfeit and Incure all the Pains and Penalties and Disabilities before Recited and Mentioned ; the one Moiety of all such Forfeitures to be to His Majesty, His Heirs and Successors, and the other Moiety to Him or Them that shall Sue for the same in any Court of Record by any Action, Bill, Plaint or Information wherein no Esloyn, Protection or Wager of Law, or more then one Imparllance shall be allowed.

Provided always that if any person or persons against whom such Judgment shall be given or pronounced at such general Quarter-Sessions of the Peace, as aforesaid, shall find him or her self aggrieved thereby, it shall and may be Lawful to and for such person or persons respectively to appeal to the Justices of Assize of the said County at the next Assizes to be held for the same ; which
said

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 said Justices of Assize are hereby Authorized in the same Assizes to Cause the said Proceedings in the said General Quarter-Sessions of the Peace to be brought before them, and there to Review and Examine the same by such ways and means as to them shall seem Expedient, and to Reverse, Alter and Confirm the same and every part thereof as to Justice shall appertain: And all and every Officer and Officers in whose Custody or Power such Proceedings and Conviction shall be at the time of such Inquiry by the said Judge or Judges of Assize shall obey the Orders and Directions of the said Judge or Judges of Assize therein.

Provided always, That if any person be Convicted of being sent beyond the Seas, contrary to this Act, by the Conviction of the person sending or conveying him, only such person upon his return into this Kingdom, shall at any time within Twelve Months after such his, or her return, or within Twelve Months after his or her attaining the Age of One and Twenty Years, upon his Prayer by Motion to the Court of King's-Bench of this Kingdom be admitted to his Tryal, and the Judges of the said Court are hereby Impowered and Required forthwith upon such Prayer, to cause an Information to be Exhibited against such person or persons to which he or they shall plead, and thereupon the said Court shall proceed to Tryal of such person or persons, by Jury of the County where the said Court shall then Sit; and the Defendant or Defendants in such case shall upon his or their Tryal, be obliged to prove to what intent or purpose he, she or they was or were sent or conveyed beyond the Seas, and unless he, she or they shall make such proof whereby it may appear, that he, she or they were not sent or conveyed contrary

trary to this Act, it shall be taken for granted, that he was sent contrary to this Act as though the same had been fully proved : And in case upon his, her or their Tryal such person or persons shall be acquitted, he, she and they so acquitted shall be discharged of all the Disabilities, Penalties and Forfeitures in this Act, except his, her or their Goods and Chattels, and the profits of his, her or their Lands incurred and received before such acquittal.

Provided also that every such person sent or Conivered, as aforesaid, that shall within Six Months after his Return into this Kingdom in the high Court of Chancery, or Court of Kings Bench in Term time, between the hours of Eight and Twelve in the Morning take the Oaths, and Repeat and Subscribe the Declaration mentioned and appointed in and by one Act lately made in the Parliament of England, Intituled, An Act for Abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths, shall from thenceforth be Discharged of all the Incapacities and Disabilities aforesaid ; And shall from the time of his taking such Oaths and Making, Repeating and Subscribing such Declaration be restored to the Receipt of the future growing Rents, Issues and Profits of his said Real Estate only ; But shall Nevertheless lose all the past Rents, Issues and Profits thereof and all his personal Estate, any thing before in this Act to the Contrary Notwithstanding,

Provided always that if such person or persons, at any time after his or their taking the said Oaths, and Making, Repeating and Subscribing the said Declaration, profess him, her, or themselves of the Popish Religion, or refuse the taking the said Oaths, and Repeating and Subscribing the

the said Declaration when the same shall be to him, her or them tendered by the Justices of the Peace in their open Quarter-Sessions of the Peace for the County or place where such person or persons shall Reside: Which the said Justices are hereby Authorized and Required to tender to all Whom they shall suspect to have Relapsed, or shall upon due Summons refuse to appear at such Quarter-Sessions for the purpose aforesaid, in every such Case the said person or persons shall Incurr, Forfeit and Suffer all and Every the Disabilities, Pains, Penalties and Losses herein before Contained, as if such person or persons had never taken the said Oaths or Repeated and Subscribed the said Declaration.

And be it further Enacted by the Authority aforesaid that all and Every the Offences against this Act may be Inquired into, Heard and Determined before the Justices of the Kings-Bench, or Justices of Assizes or Goal-Delivery, or of Oyer and Terminer of such Counties where the Offenders did last Dwell or Abide, or whence he, she or they departed or were sent out of the Kingdom, or where he, she or they went, or shall be respectively Taken or Apprehended.

Provided always, That if any person shall upon his Tryal before the Justices of the Peace, at the General Quarter-Sessions, be acquitted by the said Court, of any offence against this Act, or upon his appeal to the Judges of Assize, in such manner as by this Act is directed, shall by the said Judges of Assize be acquitted; or in Case he shall upon his Tryal be acquitted by the Jury, upon any Indictment, Presentment or Information Prosecuted against him for any Offence contrary to this Act, such person so acquitted shall not be lyable after such

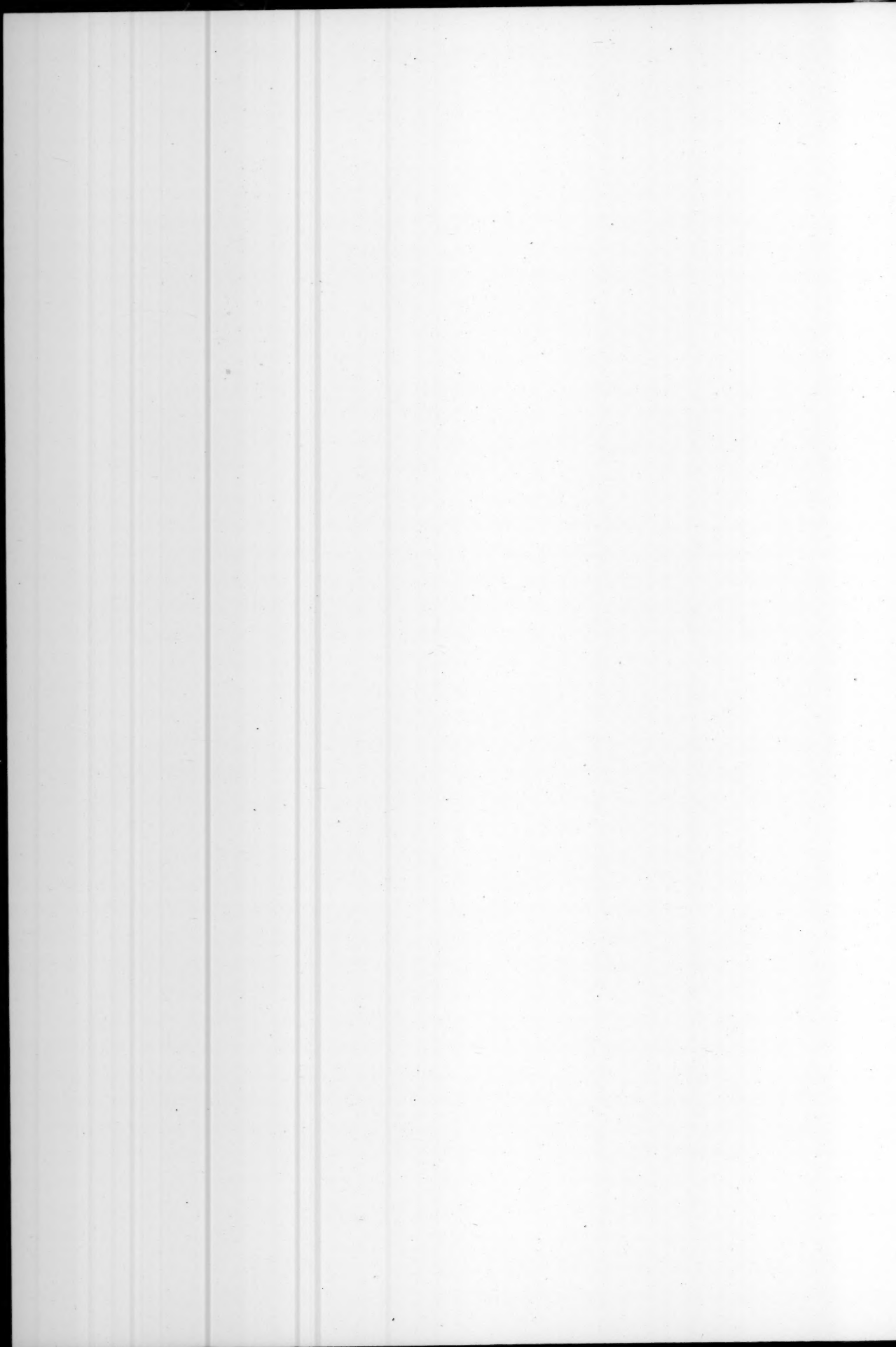
such acquittal to be Prosecuted upon this Act in any other manner for the same Offence.

And whereas it is found by experience that Tol-
erating and Conniving at Papists keeping Schools
or Instructing Youth in Literature, is one great
reason of many of the Natives of this Kingdom
continuing ignorant of the Principles of True Re-
ligion, and Strangers to the Scriptures, and of
their neglecting to conform themselves to the Laws
and Statutes of this Realm, and of their not
using the English Habit and Language, to the
great prejudice of the Publick-Weal thereof.

Be it further Enacted by the Authority aforesaid,
That no person whatsoever of the Popish Religion,
shall publickly Teach School, or Instruct Youth in
Learning, or in private Houses Teach or Instruct
Youth in Learning within this Realm from hence-
forth, except only the Children or others under the
Guardianship of the Master or Mistress of such pri-
vate House or Family, upon pain of Twenty pounds,
and also of being Committed to Prison, without
Bail or Mainprize, for the space of three Months for
every such Offence: And to the intent that no pre-
ference may be made or used, that there are not suf-
ficient numbers of Schooles in this Realm to In-
struct and Inform the Youth thereof in the English
Language and other Literature.

Be it further Enacted by the Authority aforesaid,
That one Act of Parliament made in the Twenty
eighth Year of the Reign of the Late King Henry
the Eighth, Called, An Act for the English Order, Ha-
bit and Language, whereby it is among other things
Enacted & Provided, That every Incumbent of each
Parish within this Kingdom, shall keep or cause to
be kept within the Place, Territory or Parish where
he shall have Preheminence, Rule, Benefice or Pro-
motion





motion a School to Learn English: And also one other Act made in the Twelfth Year of the Reign of the Late Queen Elizabeth, Intituled, An Act for the Erection of Free-Schools, Whereby it is Enacted and Provided, That a publick Latin Free-School shall be constantly maintained and kept within each Diocess of this Kingdom, which have generally been maintained and kept, but have not had the desired Effect by reason of such Irish Popish Schools, being too much Connived at, and all other Acts and Statutes now in force in this Realm concerning Schools, shall from henceforth be strictly Observed and put in Execution according to the good Intent and Design of the same, and for the more Effectual doing thereof the Justices of his Majesties Court of Kings-Bench each Term, and the Judges of Assize in their Respective Circuits, and the Justices of Peace in their General Sessions of Peace are Required to give this and the said former Acts in Charge from time to time to the several Grand-Juries to be then Impannelled and Charged, and to be very Circumspect in seeing the same put in due Execution.

An Act for the better Securing the Government, by
Disarming Papists.

C H A P. V.

FOR Preserving the Publick Peace, and
Quieting the Kingdom from all Dangers
of Insurrection and Rebellion for the Fu-
ture.

Be it Enacted by the King's Most Excellent
Majesty, by and with the Advice and Consent of
the Lords Spiritual and Temporal and Com-
mons in this present Parliament Assembled; And
by Authority of the same, That all Papists with-
in this Kingdom of Ireland shall before the First
Day of March next ensuing Discover and Deliber
up to some Justice or Justices of the Peace, or to
the Mayor, Bayliff, or head Officer of the Coun-
ty, City, Town Corporate, or place respectively
where such Papist shall dwell and Reside all
their Arms, Armour and Ammunition of what
kind soever the same be which are in his or their
hands or Possession, or in the hands of any other
Person or Persons in Trust for them, or at their
disposition, notwithstanding any License or Per-
mission for keeping the same heretofore granted.
And that from and after the said First Day of
March, One Thousand, Six Hundred, Ninety
Five, it shall and may be Lawfull for any two
or more Justices of the Peace within the Limits
of their Jurisdiction and Authority; and to all
Mayors, Sheriffs and Chief Officers of Cities
and Towns Corporate in their Liberties by them-
selves or by Warrant or Warrants under their
hands and Seals Respectively, from time to time
to

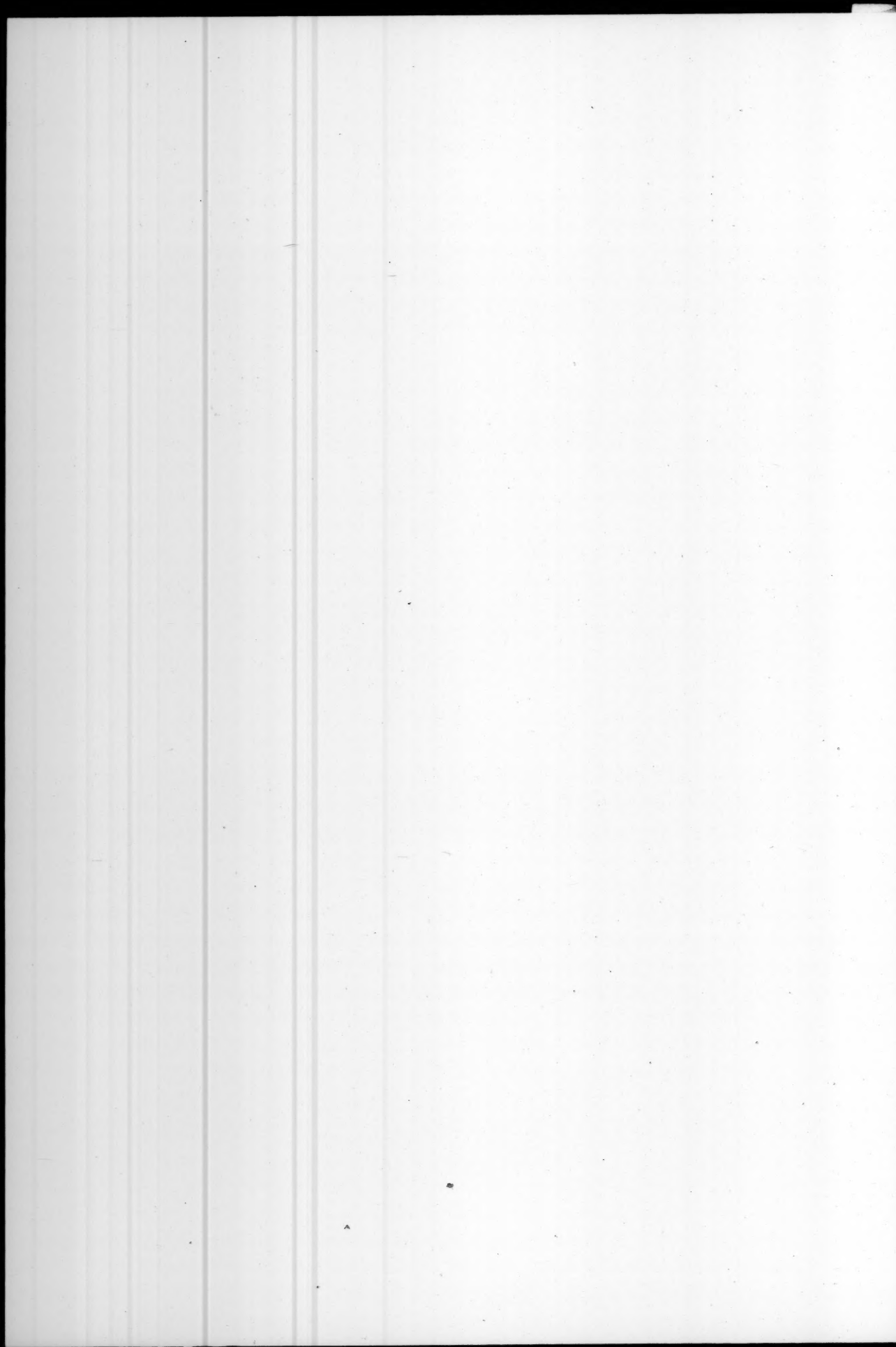
to Search for, Seize, or Cause to be Searched for and Seized, and take into his or their Custody all such Arms, Armour and Ammunition as shall be Concealed in any House, Lodging, or other Places where they shall suspect any such Arms, Armour or Ammunition shall be Concealed; And such Arms, Armour and Ammunition so Taken or Seized upon Search and otherwise, as aforesaid, shall by the Person or Persons so Receiving, Taking and Seizing the same be preserved for the use of his Majesty, his Heirs and Successors; And the said Persons shall return a true and particular Account thereof to the Lord Deputy, or other Chief Governour or Governours of this Kingdom for the time being, to the end the same may be brought into his Majesties Stores of War, or be disposed of as he or they shall think fit.

Provided Nevertheless, that no such Search or Searches shall be made in any such House, Houses, or Lodgings, save only between the Rising and Setting of the Sun, other then in Cities and their Suburbs, Towns Corporate, Market-Towns and Houses of such Cities and Towns, if it shall be so thought necessary, and the Warrant or Warrants for that purpose do Direct and Appoint: And in Case such Justices of the Peace, Mayor, Sovereign, Bayliff, or other Chief Magistrate or Officer of any City or Town Corporate, after such Search made, shall find Cause to suspect that any Arms, Armour or Ammunition remain Concealed and not Seized, as aforesaid, they are hereby Respectively Impowered and Required to Cause such Person or Persons whom he or they shall suspect to have Concealed the same to be brought before him or them, and

to be Examined upon his, her, or their Corporal Oath concerning the same.

And be it further Enacted, by the Authority aforesaid, That every such Papist who shall have or keep any such Arms, Armour or Ammunition who shall not discover and deliver up the same by the time aforesaid; And every other Person or Persons who Wittingly or Willingly shall have any such Arms, Armour or Ammunition to the use of or in Trust for any such Papist, Contrary to the True Meaning and Intent hereof. And also every such Person or Persons, who upon demand or search made for such Arms, Armour or Ammunition, as aforesaid, shall refuse to Declare and Manifest to the Justice or Justices of the Peace, Mayors, Bayliffs, Head Officers, or other Persons Authorized and Impowered for Seizing and Searching for all such Arms, Armour and Ammunition in manner as aforesaid, what Arms, Armour and Ammunition they or any other to his knowledge, or with his privy have or shall Lett, hinder or Disturb the Delivery thereof to any the said Justices of the Peace, or any other Person or Persons Authorized by Warrant, as aforesaid, to Search for, Take and Seize the same, and every other Person and Persons who shall Refuse to make Discovery upon his, her or their Oath to be Administred by such Justices of the Peace, Mayor, Bayliff, or other Chief Officer of any City or Town Corporate concerning the Premises, as aforesaid, or being Summoned by Warrant under the hands of two or more Justices of the Peace, Whereof Notice in Writing to be given to him, or her, or left at his or her usual place of abode, shall without Reasonable Cause





Cause Refuse or Neglect to appear before such Justices of the Peace, Mayors, Sovereigns, Bayliffs, or other Chief Magistrates, as aforesaid, to be Examined as aforesaid, Every such Person or Persons so Offending, Contrary to this Statute in this behalf, shall forfeit in manner following (that is to say) if such Person or Persons be a Peer or Peeres of this Realm, he, she and they shall for the first Offence forfeit the Summ of One hundred Pounds Sterling: And if such person or persons shall offend a second time, Contrary to the true Intent and Meaning thereof, then such person or persons shall for the second Offence Incurr the Penalty of a Person Attainted in a Premunire; And being thereof Convicted shall suffer Punishment accordingly. And if such person or persons Offending herein, Contrary to the true Intent of this Act, shall be under the Degree of a Peer or Peeres, then he, she or they so Offending shall for the first Offence, being thereof lawfully Convicted upon any Indictment or Information to be Exhibited at the Assizes or General-Quarter-Sessions of the Peace to be held for the County where such Offence shall be Committed, lose and forfeit the Summ of Thirty Pounds; And shall suffer Imprisonment by Order of the Justices of Assize at the Assizes or Justices of the Peace in their General-Quarter-Sessions of the Peace, without Bayle or Mainprize for one Year; and from thence forward untill he, she or they shall pay the penalty aforesaid. And if such person or persons shall Offend a second time, Contrary to the true Intent and Meaning hereof, then such person or persons so Offending shall for

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such

such second Offence, being Convicted of the First Offence, Incurr and suffer all the pain & penalties of persons attainted in a Premunire, the said Penalties and Summs of Money so to be Forfeited, as aforesaid, by such Peer or Peers, to be Recovered by Action of Debt, Bill, Plaint or Information in any of his Majesties Courts of Record; In which said Action of Debt, Bill, Plaint or Information, no Esloyn, Protection nor Wager of Law shall be allowed, nor more then one Imparlance granted; One Moyety thereof to be and go to the use of his Majesty, his Heirs and Successors; and the other Moyety to such person or persons who shall sue for the same.

Provided always that this Act, or any thing therein Contained, shall not Extend or be Construed to Extend to hinder or Restrain any Nobleman or Gentleman from keeping or using a Sword, and a Case of Pistols, and a Gun for the defence of his House, or for Fowling, so as such Nobleman or Gentleman before the said First Day of March, in the Year of Our Lord, One Thousand Six Hundred Ninety Five, shall make proof to the satisfaction of the Lord Deputy, or other Chief Governour or Governors, and the Privy-Council of this Kingdom of Ireland, that he upon the third Day of October, in the Year of our Lord, One Thousand Six Hundred Ninety One, was an Inhabitant or Resident of Limerick, or some other Garrison then in the possession of the Irish, or was then some Officer or Soldier then in Arms under a Commission of the late King James, or those Authorized under him to grant the same in the Counties of Limerick, Clare, Kerry, Cork or Mayo, or under

der their Protection in the said Counties ; or was then a Commissioned Officer in his Majesties Quarters belonging to the Irish Regiments then in being which were Treated with, not being then of Prisoner of War, nor having before that time taken Protection ; and that he has since returned and submitted to his Majesties Obedience, and shall also prove as aforesaid, that he was upon the said Third Day of October within this Kingdom, and so as such Nobleman or Gentleman hath not any time since the said Third Day of October, upon tender to him, refused to take the Oath of Allegiance Required to be Taken by an Act of Parliament in England, made in the first year of the Reign of his present Majesty and of the Late Queen MARY of Blessed Memory ; and shall take the said Oath when he shall be thereunto Required, or shall prove, as aforesaid, that he was upon the One and Twentieth Day of July, which was in the year of Our Lord, One Thousand Six Hundred Ninety One, a Gentleman of Estate then belonging to the Town and Garrison of Galway ; But that such Nobleman or Gentleman Respectively so making proof, and being qualified as aforesaid, may Keep and make use of a Sword, a Case of Pistols and a Gun for defence of his House, or for Fowling in such manner as he might have done in Case this Act had never been Made, any thing herein Contained to the Contrary in any wise Notwithstanding.

Provided always that an Entry shall be made of such proof, and that no Gratuity, Fee or Reward

ward whatsoever shall be taken by any person other then the Summ of One Shilling for the making such proof, or for the Entry thereof. Provided always that no person shall be Convicted or Incurre any penalty upon this Act for any Offence Committed Contrary thereto upon any Confession or Discovery he or she shall make, being Examined upon Oath, unless such Offence shall be made out by other proof, any thing herein Contained to the Contrary Notwithstanding.

Provided always that the Lord Deputy, or other Chief Governour or Governors and Privy Council of this Realm for the time being may by Order of Privy Council at any time after the said First Day of March, One Thousand Six hundred Ninety five License any person or persons as he and they shall think fit to keep such Arms as shall be particularly Expressed in such License, in as full and ample manner as such Chief Governour or Governors heretofore might have done before the passing of this present Act, any thing herein Contained to the Contrary Notwithstanding. Which License shall be granted Without any Gratuity, Fee or Reward other then the Summ of one Shilling for the Writing thereof.

And be it further Enacted by the Authority aforesaid, that from and after the End of this present Sessions of Parliament no person whatsoever now, or at any time whatsoever, Exercising or using the Mystery or Art of making any Locks or Barrells for Guns, Musquets, Pistols, or other Fire-Arms; or of making Swords, Bayonets,

gonets, Shewes, Knives, or other Weapons, shall take to Prentice, or Use, Receive or Instruct as an Apprentice any Person of the Popish Religion, on pain that every Person so Offending in Entertaining such Popish Person to be an Apprentice, or Using Receiving or Instructing him as such shall for every such Offence Forfeit the Summ of Twenty Pounds to be Recovered by Bill, Plaint or Information in any of his Majesties Courts of Record, wherein no Essoyne, Protection or Wager of Law is to be allowed, nor more then one Imparllance granted; the one Moiety of all such Forfeitures to be to his Majesty, his Heirs and Successors, and the other Moiety to the Informer, or him or them that shall or will sue for the same.

And moreover the Indenture of Apprenticeship, and all Bonds and Contracts to be made or Entred into by Reason or Occasion of any such Popish Person being put to be an Apprentice, as aforesaid, shall be void, and are hereby declared to be void and every such Person of the Popish Religion, who shall be hereafter put to be an Apprentice Instructed Contrary to the true meaning of this Act, and who shall Exercise the said Art or Mystery, shall for every such Offence in Using or Exercising the said Art or Mystery, or any part thereof Forfeit the Summ of Twenty Pounds to be sued for and Recovered, as aforesaid, to the uses before-mentioned; And the Justices of the Peace, Mayors, Sovereigns, and other Head Officers of Cities, Burroughs and Towns Corporate Respectively are hereby Authorized and Required to send for all Apprentices of such Persons Exercising

exercising the Art and Mystery aforesaid, whom they shall suspect, and shall tender to them the Oaths and Declaration following to be by them Respectively taken and Subscribed.

I A. B. do Sincerely Promise and Swear, That I will be Faithfull and bear True Allegiance to His Majesty King WILLIAM.

So help me God.

I A. B. Do Swear that I do from my Heart Abhor, Detest and Abjure, as Impious and Heretical, That Damnable Doctrine and Position that Princes Excommunicated or Deprived by the Pope, or any Authority of the See of ROME, may be Deposed or Murdered by their Subjects, or any other whatsoever. And I do Declare that no Foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Preheminency or Authority, Ecclesiastical or Spiritual within this Realm.

So help me God.

I A. B. Do Solemnly and Sincerely, in the presence of God, Profess, Testify and Declare, That I do believe that in the Sacrament of the Lords-Supper there is not any Transubstantiation of the Elements of Bread
and

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and Wine into the Body and Blood of Christ, at or after the Consecration thereof, by any Person whatsoever ; And that the Invocation or Adoration of the Virgin MARY, or any other Saint, and the Sacrifice of the Mass, as they are now Used in the Church of ROME, are Superstitious and Idolatrous. And I do Solemnly in the presence of God, Profess, Testify and Declare, That I do make this Declaration, and every part thereof, in the plain and Ordinary Sense of the words Read unto me, as they are Commonly understood by Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted me for this purpose, by the Pope, or any other Authority or Person whatsoever, or without any hope of any such Dispensation from any Person or Authority whatsoever, or without believing that I am or can be acquitted before God or Man, or Absolved from this Declaration, or any part thereof, although the Pope, or any other Person or Persons, or Power whatsoever should Dispencc with, or Annul the same, or Declare that it was Null and void from the Beginning.

And the Refusal of such Person or Persons to take the said Oaths or Subscribe the said Decla-

Declaration shall be and are hereby declared to be a Conviction of such Persons to Refusing the same of his being Guilty, as also of the Master of such Apprentice, unless such Master shall prove that such Apprentice at the time of Entering his Service was known or Reputed to be of the Protestant Religion.

And be it further Enacted, That no Papist shall at any time from and after the Twentieth Day of January, One Thousand Six Hundred Ninety Five, be Capable to have or keep in his possession, or in the possession of any other Person to his Use, or at his Disposition any Horse, Gelding or Mare, which shall be of the Value of Five Pounds or more; And that if any Person being of the Protestant Religion shall make Discovery upon Oath of any such Horse or Horses to be in the possession of such Papist, or of any Person in Trust for him, to any two Justices of the Peace, or to the Mayor or other Chief Magistrate of any City or Town, Corporate, That such Justice of the Peace, Mayor or other Chief Magistrate within their Respective Precincts, shall from time to time by Warrant under his and their Hands and Seals Authorize such Person with the Assistance of the Constable or his Deputy, or such other Person as he or they shall think fit, who are hereby Required to be Aiding and Assisting therein in the Day time only to search for and secure all and every such Horse and Horses: And in Case of Opposition or Resistance to break open any Door, and bring such Horse or Horses before him or them; And such Person being of the Protestant Religion, and making such Discovery paying or making Tender before such Justices, Mayor,

(41)
 Mayor, or other Chief Magistrate of any City or Town Corporate of the Summ of Five Pounds Five Shillings to the Owner or Possessor of such Horse, or to such Justice or Chief Magistrate in his or their Absence; which the said Justice or Chief Magistrate are hereby Authorized to Receive for the use of such Owner or Possessor; And that from and after such payment, or Tender and Refusal. The property of such Horse or Horses for which such Summ or Summs shall be Respectively Tendered or paid, shall by Authority of this present Act be Deemed and Adjudged to be Vested in the Person making such Discovery and Tender, as if such Horse and Horses had been bought and sold in Market Overt; And the said Justices of the Peace, Mayor, Bayliff, or other Head Officer is, and are hereby Authorized and Required by Warrant under his and their hands and Seals, to Cause such Horse and Horses to be Delivered accordingly.

And be it further Enacted, That if any Person shall Conceal, or be Aiding or Assisting in the Concealing any such Horse or Horses belonging to any Papist or suspected Papist Refusing to take the Oaths and Subscribe the Declaration aforesaid, such Person or Persons being thereof duely Convicted by the Oaths of two or more Credible Witnesses before any Justice of the Peace of the County where such Horse or Horses shall be Concealed shall be Committed to the Common Goal, by Warrant from the said Justice, there to remain without Bail or Mainprize by the space of three Months, and shall forfeit and lose to his Majesty and his Successors treble the value of such Horse or Horses; which va-

lue is to be Settled by the Justices of the Peace in their General-Quarter-Sessions of the Peace in the Respective Counties, who are hereby Authorized to Continue such person in Prison untill due payment of such Summ of Money to the Use of his Majesty, his Heirs and Successors.

And it is hereby Declared, That every Person shall be Deemed and taken to be a Papist within the meaning of this present Act, who shall Refuse to take the Oaths, and Subscribe the Declaration herein before-mentioned, when the same shall be Tended to him by any Justice or Justices of the Peace; which said Oaths and Declaration the said Justices of the Peace and Chief Magistrates are hereby Authorized and Required to Administer if any such person or persons shall deny him or themselves to be a Papist within the meaning of this Act; And if any such person or persons shall take the said Oaths and Subscribe the said Declaration, the said Justice and Justices of the Peace shall Certify under his hand his or their taking the said Oaths, and Return the said Declaration to the next Quarter-Sessions to be held for the said County, there to be Recorded as in such Cases is Usual.

And be it further Enacted by the Authority aforesaid, That if any Justice or Justices of the Peace, Mayors, Sovereigns, Bayliffs or Chief Magistrates or Officers of any County or Town Corporate, Respectively, shall Neglect or Refuse to Execute any the Powers or Authorities which he or they is or are Respectively Required by this present Act to put in Execution, every such Justice of the Peace, Mayor, Sovereign, Bayliff, or Chief Magistrate or Officer, shall

shall for every such Default or Offence lose and Forfeit the Summ of Fifty Pounds, to be Recovered in any of his Majesties Courts of Record by Bill, Plaint or Information, wherein no Esloyme, Protection, or Wager of Law shall be allowed, nor more then one Imparllance granted; The one Moyety of such Forfeiture to be to his Majesty his Heirs and Successors, and the other Moyety to such Person as shall or will sue for the same; And the said Offenders shall be moreover, and are hereby Disabled and made Incapable from and after his being Convicted to Act as Justice of the Peace, Mayor, Sovereign, Bayliff, or Chief Magistrate, or Officer in any County, City, or Town Corporate in this Kingdom.

Ad

An Act for the better Settling of Intestates Estates.

CHAP. VI.

BE it Enacted by the Kings Most Excellent Majesty, With the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That all Ordinaries, as Well the Judge or Judges of the Prerogative Court of the Arch-Bishop of Armagh for the time being, as all other Ordinaries and Ecclesiastical Judges, and every of them having power to Commit Administration of the Goods, Chattles and Credits of Persons Dying Intestate, Shall and may upon their Respective Granting and Committing of Administrations of the Goods, Chattles and Credits of Persons Dying Intestate, after the Feast of the Purification of the Blessed Virgin MARY, in this present Year of Our Lord, One Thousand Six Hundred Ninety Five, take and Require of the Respective Person or Persons, to Whom any Administration is to be Committed, sufficient Bonds with two or more able Sureties, respect being had to the value of the Estate in the Name of the Ordinary, with the Condition in Manner and Form following, Mutatis Mutandis, vizt.

THE Condition of this Obligation is such, That if the within bounden A. B. Administrator of all and Singular the Goods, Chattles, and Credits of C. D. Deceased, do make or cause to be made

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made a true and perfect Inventory of all and Singular the Goods and Chattles and Credits of the said **E. D.** Deceased, which have or shall come to the Hands, Possession or Knowledge of him the said **A. B.** Or into the Hands or Possession of any other Person or Persons for him, and the same so made do Exhibit or Cause to be Exhibited in the Registry of at or before the

day of next
 Ensuing, and the same Goods, Chattles and Credits, and all other the Goods, Chattles and Credits of the said Deceased, at the time of his Death, which at any time hereafter shall come to the Hands or Possession of the said **A. B.** or into the Hands or Possession of any other Person or Persons for him do well and truly Administer, according to Law ; And further do make or Cause to be made a true and just Account of his said Administration at or before the

day of and all the rest and residue of the said Goods, Chattles and Credits which shall be found remaining, upon the said Administrators Account, the same being first Examined and allowed of by the Judge or Judges for the time being of the said Court, shall deliver and pay unto such Person or Persons Respectively, as the said Judge or Judges by his or their Decree or Sentence, pursuant to the true intent and meaning of this Act shall Limit and Appoint ; And if it shall hereafter appear that any Last Will or Testament was made by the said Deceased, and the Executor or Executors therein Named do Exhibit the same into the said Court, making Request to have it Allowed and Approved accordingly, if the said **A. B.** within bounden being thereunto Required, do Render and Deliver the
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said Letters of Administration, Approbation of such Testament being first had and made in the said Court, Then this Obligation to be Void and of none Effect, or else to Remain in full Force and Vertue.

Which Bonds are hereby Declared and Enacted to be good in Law to all intents and purposes, and Pleadable in any Courts of Justice; And also that the said Ordinaries and Judges Respectively, shall and may and are Enabled to proceed against, and call such Administrators to Account for and touching the Goods of any Person Dying Intestate, and upon hearing and due Consideration thereof, to Order and make Just and Equal Distribution of what Remaineth clear after all Debts, Funeral Charges, and Just Expences of every sort first Allowed and Deducted amongst the Wife and Children or Childrens Children, if any such be, otherwise to the next of Kindred to the dead Person in Equal Degree or Legally Representing their Stocks pro suo cuiq; Jure, according to the Law in such Cases, and the Rules and Limitations hereafter set down, and the same Distribution to Decree and Settle, and to compel such Administrators to observe and pay the same by due Course of his Majesties Ecclesiastical Laws, saving to every One supposing him or themselves agrieved their Right of Appeal, as was always in such Cases used.

Provided always, and be it Enacted by the Authority aforesaid, That all Ordinaries, and every other Person, who by this Act is Enabled to make Distribution of the Surplusage of the Estate of any Person Dying Intestate, shall
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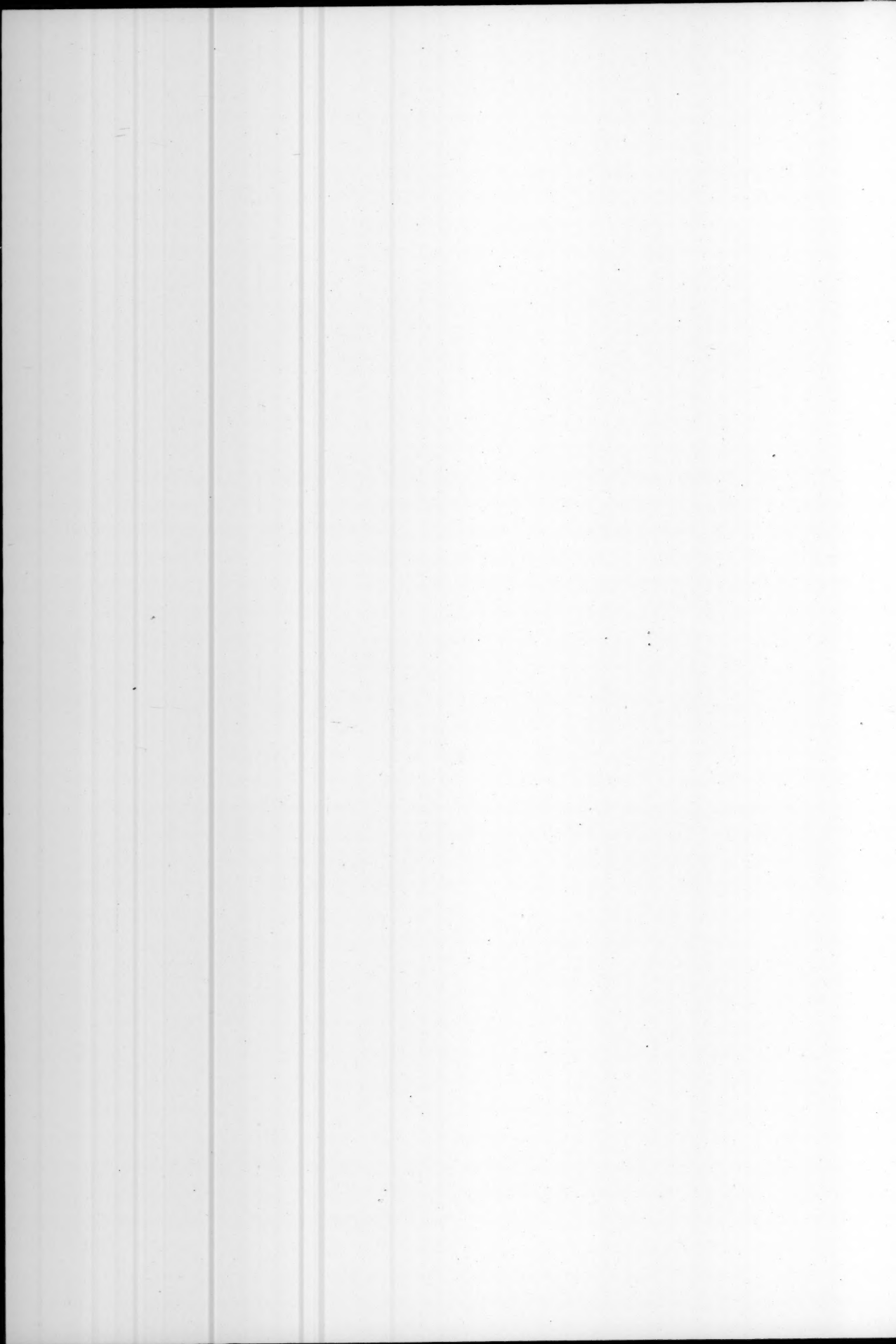
Distribute the whole Surplusage of such Estate or Estates in Manner and Form following (That is to say) One Third part of the said Surplusage to the Wife of the Intestate, and all the Residue by Equal Portions to and amongst the Children of such Persons Dying Intestate, and such Persons as Legally Represent such Children, in Case any of the said Children be then Dead, other then such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be Advanced by the Intestate in his life time by Portion or Portions equal to the Share which shall by such Distribution be Allotted to the other Children to whom such Distribution is to be made ; And in Case any Child (other then the Heir at Law) who shall have any Estate by Settlement from the said Intestate, or shall be Advanced by the said Intestate in his Life time by Portion not equal to the Share which shall be due to the other Children by such Distribution, as aforesaid, Then so much of the Surplusage of the Estate of such Intestate, to be Distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were Advanced in the Life time of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be Estimated (but the Heir at Law) Notwithstanding any Land which he shall have by Descent or otherwise from the Intestate, is to have an Equal part in the Distribution with the Rest of the Children, without any Consideration of the Value of Lands which he hath by Descent, or otherwise, from the Intestate. And in Case there be no Children, nor
any

any Legal Representatives of them, then One Moiety of the said Estate to be Allotted to the Wife of the said Intestate; the Residue of the said Estate to be Distributed Equally to every of the next of Kindred of the Intestate, who were in Equall Degree, and those who Legally Represent them.

Provided that there be no Representations admitted amongst Collaterals after Brothers and Sisters Children: And in Case there be no Wife, Then all the Estate to be Distributed Equally to and amongst the Children: And in Case there be no Child, then to the next of Kindred in Equal Degree of or unto the Intestate, and their Legal Representatives, as aforesaid, and in no other manner whatsoever.

Provided also, and be it likewise Enacted by the Authority aforesaid, to the End that a due Regard be had to Creditors, that no such Distribution of the Goods of any Person Dying Intestate be made till after One Year be fully Expired after the Intestates Death: And that such and every Person to whom any Distribution or Share shall be Allotted shall give Bonds with sufficient Sureties in the said Courts: Which said Bonds shall be likewise good in Law, and Pleadable in any Courts of Justice, That if any Debt or Debts truly Owning by the Intestate, shall be afterwards Sued for and Recovered, or otherwise duly made, to Appear that then and in every such Case he or she shall Respectively Refund and pay back to the Administrator his or her Ratable part of such Debt or Debts, and of the Costs of Suit and Charges of the Administrator, by reason of such Debt out of the part and Share so as aforesaid Allotted to him or





or her, thereby to Enable the said Administrator to pay and satisfy the said Debt or Debts so discovered, after the Distribution made, as aforesaid.

Provided always, and be it further Enacted, by the Authority aforesaid, That in all Cases where the Ordinary hath used heretofore to Grant Administration cum Testamento annexo, he shall continue so to do, and the Will of the Deceased in such Testament Expressed shall be performed and observed in such manner as it should have been if this Act had never been made.

Provided always, That neither this Act nor any thing therein contained, shall be construed to extend to the Estates of Fems Covert that shall dye Intestate, but that their Husbands may demand and have Administration of their Rights, Credits and other Personal Estates, and recover and enjoy the same as they might have done before the making of this Act.

Provided also, and it is hereby further Enacted, That no Administrator shall from henceforth be Cited into any of the Courts in this Act mentioned, to render an account of the personal Estates of his Intestate, otherwise then by an Inventory or Inventories thereof, unless it be at the Instance or Prosecution of some person or persons in behalf of a Widow, or having a Demand out of such Estate as a Creditor, or next of Kin, and shall not be compellable to Account before any the Ordinaries or Judges by this Act impowred and appointed to take the same otherwise then as is aforesaid.

And be it further Enacted by the Authority
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aforesaid,

aforesaid, That if after the death of a Father, any of his Children shall dye Intestate without Wife or Children in the life time of the Mother, every Brother and Sister and the Representatives of them, shall have an equal Share with her, any Law, Usage or Custom to the contrary notwithstanding.

And Whereas it hath been heretofore used, That in case any Executor or Administrator, to any Person deceased, did obtain any Judgment or Judgments in Law, in any of His Majesty's Courts of Record within this Kingdom of Ireland, in his or their own Name or Names for any Debt due unto his or their Testator or Intestate, and did happen to Dye before any Execution sued forth by him or them upon such Judgment or Judgments, the effect or benefit of such Judgment or Judgments was wholly lost, and such Person or Persons to whom Letters of Administration of the Goods Unadministered to such first Testator or Intestate were Committed could not by the Rules of Law have any Benefit or Advantage of such Judgment or Judgments by Scire Facias, or otherwise, but were forced for the Recovering of such Debt or Duty to sue forth a New Original to their great Expence and delay: For Remedy Whereof,

Be it Enacted by the Authority aforesaid, That from henceforth in all such Cases it shall and may be Lawful for any Administrator or Administrators of the Goods Unadministered of such first Testator or Intestate to sue forth any Writ or Writs of Scir. Fac. upon any such Judgment or Judgments so had and obtained in the Name or Names of such Executor or Administrator.

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 strator, and have the Benefit and Advantage of such Judgment or Judgments as fully to all Intents and Purposes as such Executor or Administrator himself might have had if he or they had been Living and sued forth such Writ or Writs upon any such Judgment, Any Law, Custom or Usage to the Contrary hereof in any Wise Notwithstanding.

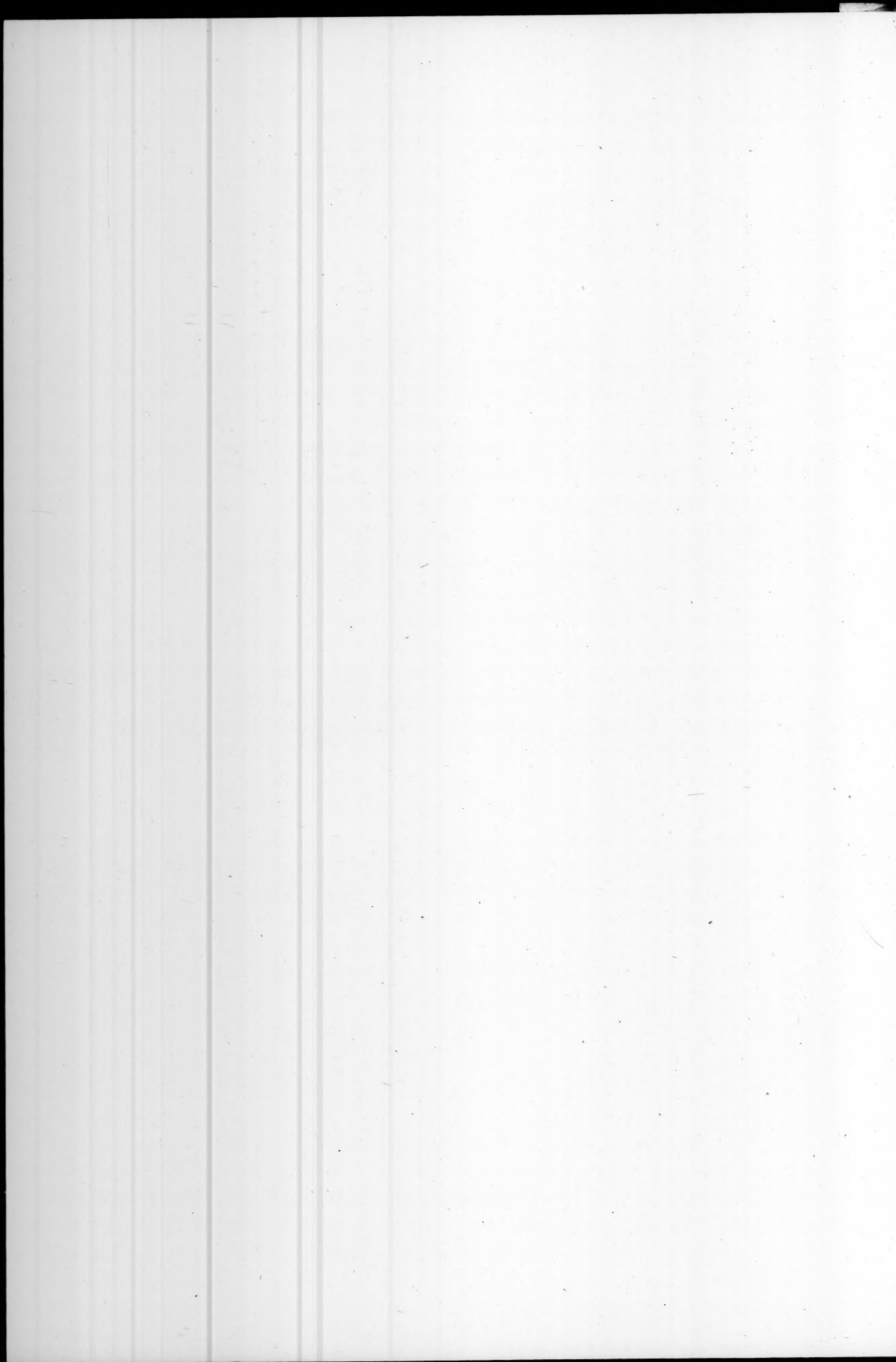
And Whereas it has been held that there is a certain Custom within this Kingdom of Ireland, to the effect following, that is to say, That if any Person Dye possessed of or Intituled to any Goods, Things in Action, or Personal Estate whatsoever ; And having at the time of his Death a Wife or Child or Children, That in such Case all the said Estate is to be divided into three equal parts, whereof one third part belongs to the Wife, another to the Child or Children, and the other third part only to be subject to the disposition of the Party Deceased, by his Last Will or Testament, in Case he make any, or to go in a Course of Administration, in Case he Dye Intestate, and if he leave a Wife only, and no Child or Children, then the said Estate to be divided into two parts, whereof the One Moety to go to the Wife, and the other Moety only to be subject to his disposition by Will, as aforesaid, otherwise to go in a Course of Administration in Case he Dye Intestate ; And so in like manner if he shall leave a Child or Children, and no Wife.

Now it is hereby Declared, That the said Custom shall from henceforth be Absolutely Null and Void to all Intents and Purposes whatsoever ; and shall not be taken to be inforce or to be binding to any Person or Persons whatsoever.
 And

And whereas the Executors and Administrators of such Persons who have possessed themselves of Considerable Personal Estates of other Dead Persons, and Converted the same to their own use have no Remedy by the Rules of the Common Law, as it now stands, to pay the Debts of those Persons whose Estate hath been so Converted by their Testator or Intestate, which hath been found very Mischievous, and many Creditors defeated of their Just Debts, although their Debtors left behind them sufficient to satisfy the same with a great Overplus. For Remedy whereof.

Be it further Enacted by the Authority aforesaid, That all and every the Executors and Administrators of any Person or Persons who as Executor or Executors in his or their own Wrong, or as Administrator shall from and after the Fifth day of November, in this present Year of Our Lord, One Thousand Six Hundred Ninety and Five, Waste or Convert any Goods, Chattles, Estate or Assets of any Person Deceased to their own use shall be lyable and Chargable to make good the same out of the Assets of such Testator or Intestate.





An Act for Reviving Two Statutes lately Expired, and making them Perpetual ; And for Avoiding Unnecessary Suits and Delays.

C H A P. VII.

WHEREAS in a Parliament held in the Seaventeenth and Eighteenth Years of the Reign of King Charles the Second, the several Statutes hereafter mentioned were Enacted (*vizt.*) One Act, Intituled, An Act to prevent Delays in Extending Statutes, Judgments, and Recognizances. And one other Act, Intituled, An Act to prevent Arrests of Judgments, and Superfeding Executions : Both which Acts are now Expired ; but by Experience have been found to be good and profitable Laws for this Kingdom, and fit to be Revived and made Perpetual.

Be it therefore Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That the said several Statutes, and every of them, and all and every the Branches and Clauses in them, and every of them Contained are hereby Revived, and shall from henceforth be, Remain and Continue in Force and Effect for Ever.

And be it further Enacted by the Authority aforesaid, That in all Actions Real and Personal, or mixt, the Death of either Party between the Verdict and the Judgment shall not be hereafter alledged for Error, so as Judgment be Entred within two Terms after such Verdict.

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An Act for Redress of Inconveniencies for want of Proof of the Deceases of Persons beyond the Seas, or Absenting Themselves, upon whose Lives Estates do Depend.

C H A P. VIII.

WHEREAS Divers Lords of Mannors and others have used to Grant Estates by Lease for one or more Life or Lives, or else for Years Determinable upon one or more Life or Lives; And it hath often happened that such Person or Persons for whose Life or Lives such Estates have been Granted have gone beyond the Seas, and absented themselves for many Years, that the Lessors and Reversioners cannot find out whether such Person or Persons be Alive or Dead, by reason whereof such Lessors and Reversioners have been held out of Possession of their Tenements for many years after all the Lives upon which such Estates depend are dead, in regard that the Lessors and Reversioners when they have brought Actions for the Recovery of their Tenements, have been put upon it to prove the Death of their Tenants when it is almost Impossible for them to discover the same. For Remedy of which Mischiefe so frequently happening to such Lessors or Reversioners.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That if such Person or Persons

Persons for whose Life or Lives such Estates have been or shall be granted, as aforesaid, shall remain beyond the Seas, or elsewhere absent themselves in this Realm by the space of Seven Years together, and no sufficient and Evident proof be made of the Lives of such Person or Persons respectively in any Action Commenced for the recovery of such Tenements by the Lessors or Reversioners, their Heirs or Assignes: The Judges before whom such Action shall be brought shall direct the Jury to give their Verdict as if the person so remaining beyond the Seas, or otherwise, absenting himself were dead.

And be it further Enacted, That in any such Action, wherein the Life or Death of any such Person or Persons shall come in question between the Lessor or Reversioner and the Tenant in possession; it shall and may be Lawful for the Lessor or Reversioner to take Exception to any of the Jurors returned for the Tryal of that Cause, that the greatest part of the Real Estate of any such Juror is held by Lease for Life or Lives, who upon proof thereof shall be set aside as in case of other Legal Challenges.

Provided always, and be it Enacted, That if any Person or Persons shall be Evicted out of any Lands or Tenements by Vertue of this Act, and afterwards if such person or persons upon whose Life or Lives such Estate or Estates depend, shall return again from beyond the Seas, or shall on proof in any Action to be brought for recovery of the same, be made appear to be Living, or to have been Living at the time of the Eviction, that then and from thenceforth the Tenant or Lessee who was out-
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ed of the same, his or their Executors, Administrators or Assigns shall or may Re-enter, Re-possess, Have, Hold and Enjoy the said Lands or Tenements as in his or their former Estate for and during the Life or Lives or so long Term as the said person or persons, upon whose Life or Lives the said Estate or Estates depend shall be Living, and shall also upon Action or Actions to be brought by him or them against the Lessors, Reversioners or Tenants in possession, or other persons respectively, which since the time of the said Eviction received the Profits of the said Lands or Tenements, recover for Damages the full Profits of the said Lands or Tenements respectively, with Lawfull Interest for and from the time that he or they were outed of the said Lands or Tenements, and kept and held out of the same by the said Lessors, Reversioners, Tenants, or other Persons who after the said Eviction Received the Profits of the said Lands or Tenements, or any of them Respectively, as well in the Case where the said Person or Persons, upon whose Life or Lives such Estate or Estates did Depend, are, or shall be Dead at the time of bringing the said Action or Actions as if the said Person or Persons were then Living.

An Act for the more Effectual Suppressing of Prophane Cursing and Swearing.

C H A P. IX.

Whereas it is found by Experience that An Act of Parliament made in the Tenth and Eleventh Years of the Reign of King CHARLES the First, Intituled, An Act to prevent and Reform prophane Swearing and Cursing, hath proved Ineffectual to the Suppressing of those Detestable Sins, by Reason of some Deficiency in the said Act.

Be it therefore Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That if any Person or Persons shall after the Fifth Day of November, in this present Year of our Lord, One Thousand Six Hundred Ninety and Five, Prophanely Swear and Curse in the presence or hearing of any Justice of Peace of the County, Division, or of the Mayor, or other Head Officer or Justice of Peace for any City or Town Corporate where such Offence is or shall be Committed, or that shall be thereof Convicted by the Oath of one Witness, or by the Confession of the Party Offending before any Justice of the Peace of the County, or Mayor, or Bayliff or other Chief Officer or Justice of the Peace of such City or Town Corporate where the said Offence shall be

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be

be Committed, That then for every such Offence the Party so Offending shall Forfeit and pay to the use of the Poor of the Parish where such Offence or Offences shall be Committed the Respective Summs herein after mentioned, that is to say, Every Servant, Day-Labourer, Common Soldier and Common Seaman One Shilling, and every other Person Two Shillings; And in Case any of the Persons aforesaid shall after Conviction Offend a second time, such Persons shall Forfeit and pay Double; and if a third time Treble the Summ Respectively by him or her to be paid for the first Offence.

And it is hereby further Enacted, That upon Neglect or Refusal of Payment of the said Forfeiture, any Justice of Peace of the County, or Mayor, or other Head Officer, or Justice of Peace of any City or Town Corporate where the said Offence shall be Committed, shall and are hereby Authorized and Required to Direct and send his Warrant to the Constable, Tything-Man, Church-Warden or Overseer of the Poor of the Parish where the Offence shall be Committed, or where the Offender shall Inhabit, thereby Commanding them, or some one or more of them, to Levy by Distress, and Sale of the Goods of the Offender, the Summ so Forfeited for the use of the Poor of the Parish, as aforesaid; And in Case no such Distress can be had, then every such Offender being above the Age of Sixteen Years shall by Warrant under the Hand and Seal of the said Justice of Peace, or other Officer, as aforesaid, be Publicly set in the Stocks for the space of One hour for every single Offence, and for any Number of Offences whereof he shall be Convicted

visited at one and the same time then Two Hours ; And if the Party Offending be under the Age of Sixteen Years, and shall not forthwith pay the said Forfeitures, then he or she shall by Warrant, as aforesaid, be Whipt by the Constable, or by the Parent, Guardian or Master of such Offender, in the presence of the Constable.

And be it further Enacted, That if any Justice of the Peace or Chief Magistrate shall willfully and willingly omit the performance of his Duty in the Execution of this Act he shall forfeit the Summ of five Pounds ; the one Boyety to the use of the Informer, to be Recovered by Action, Suit, Bill or Plaint, in any of his Majesties Courts, wherein no Essoyn, Protection or Wager of Law shall be allowed, nor any more then one Imparllance granted.

And it is hereby further Enacted, That if any Action or Suit shall be Commenced or brought against any Justice of Peace, Constable, or other Officer or Person whatsoever for Doing, or Causing to be Done any thing in pursuance of this Act concerning the said Offences, the Defendant in such Action may plead the General Issue, and give the Special Matter in Evidence ; And if upon such Action Verdict be given for the Defendant, or the Plaintiff become Non-Suit, or Discontinue his Action, then the Defendant shall have treble Costs.

Provided always, And it is hereby Enacted, That no Person shall be Prosecuted or Troubled for any Offence against this Statute unless the same be proved or prosecuted within Ten Days next after the Offence Committed.

And it is further Enacted by the Authority aforesaid, That this Act shall be Publickly Read Four Times in the Year in all Parish Churches
and

and all Publick Chappels, by the Parson, Vicar or Curate of the Respective Parishes or Chappels immediately after Morning Prayers on four severall Sundays, that is to say, The Sunday next after the Fifth Day of November, in this present Year of Our Lord, One Thousand Six Hundred Ninety five ; The Fifth Day of February following ; The Fifth Day of May, which will be in the Year of Our Lord, One Thousand Six Hundred Ninety Six ; And the Fifth Day of August following, under the pain of Twenty Shillings for every such Omission or Neglect.

And be it further Enacted by Authority aforesaid, That the Justices of Peace, Mayor, or other Head Officer shall Register in a Book to be kept for that purpose all the Convictions made before him upon this Act, and the Time of Making thereof, and for what Offence ; And shall Certifie the same to the next General-Quarter-Sessions of the Peace for the said County, or place where the Offences are Committed, to be there kept upon Record by the Respective Clerks of the Peace, to be seen without Fee or Rewards.

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An Act to take away Damage Clear.

C H A P. X.

WH E R E A S the Moneys which are taken by Prothonotaries of Your Majesties Courts of Kings-Bench and Common-Pleas, and by the Clerk of Your Majesties Court of Exchequer at Dublin, and the Clerks and Prothonotaries in any other Court within this Realm, in the name of Damna Clericorum, or Damage Clear, are an unnecessary Charge and Burthen to all Your Majesties Subjects, who have good Cause and put to Sue for Damage in Actions where Damages are Recoverable : For avoiding of which Inconveniency for the future, and that Your Majesties Subjects may have an easier means for the Recovery of their Damages and Just Rights which are unjustly detained from them ; May it please Your Most Excellent Majesty that it may be Enacted, and His Most Excellent Majesty being willing upon all Occasions to Ease his Subjects of all unnecessary Charges and Burthens, is Graciously Pleased that it be Enacted.

And be it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That no Damage Clear shall by any Title or Pretence whatsoever be Due, Payable, Taken

or Received from any Person or Persons in any Action whatsoever, Sued or Prosecuted in any of His Majesty's Courts at Dublin, or elsewhere within the Kingdom of Ireland, by any Prothonotary, Clerk or Clerks, or other Officer or Officers of the said Courts respectively, and that the said Fee of Damna Clericor. or Damage Clear, shall wholly cease and be forever Abolished in the said Courts; and that if any Prothonotary, Clerk or Clerks, or other Officer in any of the said Courts, shall take or Exact any Summ or Summs of Money in the name of Damna Clericor. or Damage Clear, or any thing in Lieu thereof, or if any of the said Prothonotaries Clerk or Clerks, or their Deputies, shall Exact or take any Damage Clear, or Summ of Money, Bond or Security in Lieu thereof from any Plaintiff or Plaintiffs, Demandant or Demandants, in any Action where Damages have been or hereafter shall be recovered in any of the said Courts, or shall refuse or delay to Sign any Judgment until Damage Clear be first paid by the Plaintiff or Demandant, he or they so offending shall forfeit Treble the Summ so Taken, Exacted or Demanded to the Party or Parties grieved, to be recovered by Bill, Plaint or Information in any of the said Courts, wherein no Essoyn, Protection or Wager of Law shall be Allowed.

An

An Act to take away the Benefit of Clergy from him that doth Stabb another not having a Weapon Drawn.

C H A P. XI.

TH E End that Stabbing and Killing Men on the sudden, Done and Committed by many Inhumane and Wicked Persons in the time of their Rage, Drunkenness, hidden Displeasure, or other Passion of Mind, Contrary to the Commandment of Almighty God, and the Common Peace and Tranquility of this Realm, may from henceforth be Restrained for fear of due Punishment to be Inflicted on such Cruel and Bloody Malefactors, who heretofore have been thereunto Emboldened by presuming on the Benefit of the Clergy.

Be it therefore Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That every Person and Persons, who after the End of this present Parliament shall Stabb or Thrust any Person or Persons that hath not then any Weapon Drawn, or that hath not then first stricken the Party which shall so Stabb or Thrust, so as the Person or Persons so Stabbed or Thrust shall thereof Die within the space of Six Months then next following, although it cannot be proved that the same was Done of Malice Fore-thought, yet the Party
so

to Offending, and being thereof Convicted Verdict of
by Twelve Men, Confession, or otherwise, accord-
ing to the Laws of this Realm shall be Exclu-
ded from the benefit of his or their Clergy, and
suffer Death as in Case of Felony, Without
benefit of Clergy.

Provided always that this Act, or any thing
therein Contained, shall not Extend to any Per-
son or Persons which shall Kill any Person
Se Defendendo, or by Misfortune, or in any other
manner then as aforesaid, nor shall Extend to
any Person or Persons, who in keeping and
preserving the Peace shall Chance to Commit
Manslaughter, so as the said Manslaughter be
not Committed Wittingly, Willingly, and of
purpose, under pretext and Colour of Keeping
the Peace, nor shall Extend to any person or
persons which in Chastizing or Correcting his
Child or Servant, shall besides his or their In-
tent and Purpose Chance to Commit Man-
slaughter.

An

An Act for prevention of Frauds and Perjuries.

C H A P. XII.

FOR Prevention of many Fraudulent Practices which are Commonly Endeavour'd to be upheld by Perjury and Subornation of Perjury.

Be it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Feast Day of the Nativity of St. John Baptist, which shall be in the Year of Our Lord, One Thousand, Six Hundred, Ninety Six, all Leases, Estates, Interests, Fræholds or Terms of Years, or any uncertain Interest of, into, or out of any Messuages, Mannors, Lands, Tenements or Hereditaments made and Created by Liberty of Seizen only, or by Parole, and not put in Writing, and Signed by the Parties so making and Creating the same, or their Agents thereunto Lawfully Authorized, by Writing, shall have the Force and Effect of Leases and Estates at Will only; And shall not either in Law or Equity be Deemed or Taken to have any other or greater Force and Effect, any Consideration for making such Parole, Leases or Estates, or any former Law or Usage to the Contrary Notwithstanding: Except Nevertheless all Leases not Exceeding the Term of three Years from the making thereof, whereupon the Rent Reserved to the Landlord, during such Term, shall amount unto two third parts, at the least, of the full

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Improved value of the thing Demised.

And moreover that no Estates, Leases or Interests, either of Freehold or Term of Years, or any uncertain Interest not being Copy-hold or Customary Interest, of, into, or out of any Mesuages, Lands, Tenements, or Hereditaments, shall at any time after the said Feast day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand, six hundred, ninety and six, be Assigned, Granted, or Surrendered, unless it be by Deed, or Note in Writing, Signed by the parties so Assigning, Granting, or Surrendring the same, or their Agents thereunto Lawfully Authorized by Writing, or by Act and Operation of Law.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast day of the Nativity of St. John the Baptist, which shall be in the said Year of our Lord, One thousand, six hundred and ninety six, no Action shall be brought whereby to charge any Executor or Administrator upon any Special Promise, to answer Damages out of his own Estate, or whereby to charge the Defendant upon any Special Promise to answer for the Debt, Default, or Miscarriage of another person, or to charge any person upon any Agreement made upon Consideration of Marriage, or upon any Contract or Sale of Lands, Tenements, or Hereditaments, or any Interest in, or concerning them, or upon any Agreement that is not to be performed within the space of one Year from the making thereof, unless the Agreement upon which such Action shall be brought, or some Memorandum, or Note thereof shall be in Writing, and Signed by the party to be charged therewith, or some other

other person thereunto by him Lawfully Authorized.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast day of the Nativity of St. John the Baptist, which shall be in the said Year of our Lord, One thousand, six hundred, ninety and six, all Devises and Requests of any Lands, Tenements, or Hereditaments, Devisable, either by force of the Statute of Wills, or by this Statute, or by force of the Custom of any Burrough, or any other particular Custom, shall be in Writing, and Signed by the party so Devising the same, or by some other person in his presence, and by his express Directions, and shall be Attested and Subscribed in the presence of the said Devisor, by three or more Credible Witnesses, or else they shall be utterly void and of none Effect.

And moreover no Devise in Writing of any Lands, Tenements or Hereditaments, that at any time after the said Feast day of the Nativity of Saint John the Baptist, which shall be in the said Year of Our Lord God, One Thousand, Six hundred, Ninety and Six, be Revocable, otherwise then by some other Will or Codicill in Writing, or other Writing Declaring the same, or by Burning, Cancelling, Tearing or Obliterating the same by the Testator himself, or in his presence, and by his Directions and Consent; but all Devises and Requests of Lands and Tenements shall Remain and Continue in Force untill the same be Burnt, Cancelled, Torn or Obliterated by the Testator, or his Directions in manner aforesaid; or unless the same be Altered by some other Will or Codicill in Writing, or other Writing of the Devisors,

visors, Signed in the presence of three or more Witnesses Declaring the same, any former Law or Usage to the Contrary Notwithstanding.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of Our Lord God, One Thousand, Six Hundred, Ninety and Six, all Declarations or Creations of any Trusts, or Confidences of any Lands, Tenements or Hereditaments shall be Manifested and proved by some Writing Signed by the Party who is by Law Enabled to Declare such Trust, or by his Last Will in Writing, or else they shall be utterly Void and of none Effect.

Provided always that Where any Conveyance shall be made of any Lands or Tenements by which a Trust or Confidence shall or may arise by Implication or Construction of Law, or to be Transferred or Extinguished by Act or Operation of Law, then and in every such Case, such Trust or Confidence shall be of the like Force and Effect as the same would have been if this Statute had not been made, any thing herein before Contained to the Contrary Notwithstanding.

And be it further Enacted, That all Grants and Assignments of any Trust or Confidence shall likewise be in Writing, Signed by the Party Granting or Assigning the same, or by such Last Will and Devise, or else shall likewise be utterly void and of none Effect.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the Year of Our Lord God,
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One Thousand, Six Hundred and Ninety Six, it shall and may be Lawfull for Every Sheriff, or other Officer, to Whom any Precept or Writ is or shall be Directed at the Suite of any Person or Persons of, for, and upon any Judgment, Statute or Recognizance hereafter to be made or had, to do, make and deliver Execution unto the Party in that behalf Suing, of all such Lands, Tenements, Rectories, Tyths, Rents and Hereditaments, as any other Person or Persons be in any manner of Wise Seized or Possessed in Trust for him against Whom Execution is so Sued, like as the Sheriff or other Officer might or ought to have Done if the said Party against Whom Execution hereafter shall be so Sued had been Seized of such Lands, Tenements, Rectories, Tyths, Rents, or other Hereditaments of such Estate as they be Seized of in Trust for him at the time of the said Execution Sued; which Lands, Tenements, Rectories, Tyths, Rents, or other Hereditaments, by Force and Vertue of such Executions shall accordingly be held and Enjoyed, Freed and Discharged from all Incumbrances of such Person or Persons as shall be so Seized or Possessed in Trust for the Person against Whom such Execution shall be Sued : And if any Cestunque Trust hereafter shall Dye leaving a Trust in Fee Simple, to Descend to his Heirs, there and in every such Case such Trust shall be Deemed and Taken, and is hereby Declared to be Assets by Descent, and the Heir shall be lyable to and Chargeable with the Obligation of his Ancestor, for or by Reason of such Assets as fully and amply as he might and ought to have been if the Estate in Law had Descended to him in Possession in

like Manner as the Trust Descended, any Law, Custom or Usage to the Contrary in any wise Notwithstanding.

Provided alwaies, That no Heir who shall become Chargeable by reason of any Estate or Trust made Assetts in his hands by this Law, shall by reason of any kind of Plea or Confession of the Action, or suffering Judgment by Nient de dire, or any other matter be Chargeable to pay the Condemnation out of his own Estate, but Execution shall be Sued of the whole Estate so made Assetts in his hands, by Descent in whose hands soever it shall come after the Writ purchased in the same manner as it is to be at, and by the Common Law where the Heir at Law Pleading a true Plea Judgment is prayed against him thereupon, any thing in this present Act contained to the contrary, Notwithstanding. And for the Amendment of the Law in the particulars following,

Be it further Enacted, by the Authority aforesaid, That from henceforth any Estate pur autre vie, shall be Deviseable by a Will in Writing, Signed by the party so Devising the same, or by some other person in his presence, and by his express Direction Attested and Subscribed in the presence of the Devisor by three or more Witnesses; and if no such Devise thereof be made, the same shall be Chargeable in the hands of the Heir if it shall come to him by reason of a special Occupancy, as Assetts by Descent, as in Case of Lands in Fee Simple, and in Case there be no special Occupant thereof, it shall go to the Executors or Administrators of the party that had the Estate thereof by Vertue of the Grant, and shall be Assetts in their hands.

And

And whereas it hath been found Mischievous, That Judgments in the Kings Courts at Dublin, do many times relate to the First day of the Term, whereof they are Entred, or to the day of the return of the Original, or Filing the Bail, and Bind the Defendants Lands from that time, although in truth they were acknowledged, or Suffered, or Signed in the Vacation time after the said Term, whereby many times Purchasers and themselves agrieved.

Be it Enacted therefore, by the Authority aforesaid, That from and after the said Feast Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God One thousand, six hundred, ninety six, any Judge or Officer in his Majesties Courts at Dublin, that shall Sign any Judgment, shall at the Signing of the same, without Fee for so doing of the same, set down the day of the Month, and Year of his so doing, upon the Paper, Book, Docket or Record which he shall Sign, which day of the Month and Year, shall be also entred upon the Margin of the Roll of the Record, where the said Judgment shall be Entred.

And be it Enacted, That such Judgments as against Purchasers, bona fide, for Valuable Considerations of Lands, Tenements or Hereditaments to be Charged thereby, shall in Consideration of Law be Judgments only from such time as they shall be so Signed, and shall not relate to the First day of the Term whereof they are Entered, or the day of the Return of the Original, or Filing the Bail, any Law, or Usage, or Course of any Court to the contrary, Notwithstanding.

And be it further Enacted, by the Authority aforesaid,

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aforesaid, That from and after the said Feast day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God One thousand, six hundred, ninety and six, no Writ of fier. fac. or other Writ of Execution, shall bind the property of the Goods of the Party against whom such Writ of Execution is Sued forth, but from the time such Writ shall be delivered to the Sheriff, Under-Sheriff, or Coroner to be Executed. And for the better Manifestation of the said time, the Sheriff, Under-Sheriff and Coroners, their Deputies and Agents, shall upon the Receipt of any such Writ, without Fee for doing the same, Endorse upon the backside thereof, the day of the Month, and Year, whereon he or they received the same.

And be it further Enacted, by the Authority aforesaid, That from and after the said Feast day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand, six hundred and ninety six, no Contract for the Sale of any Goods, Wares, or Merchandizes, for the price of Ten pounds sterl. or upwards, shall be allowed to be good, except the Buyer shall accept part of the Goods so sold, and actually receive the same, or give something in Earnest to bind the Bargain, or in part of Payment, or that some Note or Memorandum in Writing of the said Bargain be made and Signed by the parties to be charged by such Contract, or other Agents thereunto lawfully Authorized.

And be it further Enacted, by the Authority aforesaid, That the day of the Month and Year of the Inrollment of the Recognizances, shall be set down in the Margent of the Roll where the

the said Recognizances are Inrolled, and that from and after the said Feast Day of Saint John the Baptist, which shall be in the said Year of Our Lord God, One Thousand, Six Hundred and Ninety Six, no Recognizances shall bind any Lands, Tenements or Hereditaments, in the Hands of any Purchaser, bona fide, and for Valuable Consideration, but from the time of such Inrollment, Any Law, Usage, or Course of any Court to the Contrary Notwithstanding.

And for prevention of Fraudulent Practices in setting up Nuncupative Wills, which have been the occasion of much Perjury.

Be it Enacted by the Authority aforesaid, that from and after the said Feast Day of Saint John the Baptist, which shall be in the said Year of Our Lord God, One Thousand, Six Hundred, Ninety Six, no Nuncupative Will shall be good where the Estate thereby Bequeathed shall exceed the Value of Thirty Pounds, that is not proved by the Oaths of three Witnesses (at the least) that were present at the making thereof, nor unless it be proved that the Testator at the time of pronouncing the same did bid the Persons present, or some of them, bear Witness that such was his Will, or to that Effect; Nor unless such Nuncupative Will were made in the time of the Last Sicknes of the Deceased, and in the House of his or their Habitations or Dwelling, or where he or she hath been Resident for the space of Ten Days or more next before the making of such Will, except where such Person were surprized or taken Sick, being from his own home, and Dyed before he Returned to the place of his or her Dwelling.

And

And

And be it further Enacted, That after Six Months passed after the speaking of the pretended Testamentary Words, no Testimony shall be Received to prove any Will Nuncupative, except the said Testimony, or the Substance thereof, were Committed to Writing within six Days after the making of the said Will.

And be it further Enacted, That no Letters Testamentary or Probate of any Nuncupative Will shall Pass the Seal of any Court till fourteen Days, at the least, after the Decease of the Testator be fully Expired, nor shall any Nuncupative Will be Received to be proved unless Process have first Issued to Call in the Widow or next of Kindred to the Deceased, to the End they may Contest the same if they please.

And be it further Enacted, That no Will in Writing Concerning any Goods or Chattles, or Personal Estate shall be Repealed; Nor shall any Clause, Devise or Bequest therein be Altered or Changed by Words or Will, by Word of Mouth only, Except the same be in the life of the Testator Committed to Writing; And after the Writing thereof Read unto the Testator, and allowed by him, and proved to be so Done by three Witnesses at the least.

Provided alwas, That Notwithstanding this Act, any Soldier, being in Actual Military Service, or any Mariner or Seaman being at Sea may Dispose of his Moveables, Wages, and Personal Estate, as he or they might have Done before the making of this Act.

And it is hereby Declared that Nothing in this Act shall Extend to Alter or Change the Jurisdiction or Rights of Probates of Wills
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Concerning Personal Estates, but that the Prerogative Court of the Arch-Bishop of Armagh, and other Ecclesiastical Courts, and other Courts, having Right to the Probate of such Wills, shall retain the same Right and Power as they had before in every Respect, subject Nevertheless to the Rules and Directions of this Act.

An Act for the more Easy Discharging of Sheriffs upon their Accounts : And from being Justices of the Peace.

13. C H A P. ^{XIII} XXIII.

WHEREAS Divers Sheriffs of Counties within this Kingdom of IRELAND, have been often Troubled and Vexed long time after they have Respectively passed their Accounts, and obtained their Quietus est ; and Charged anew with Arrearages, Debts, and Sums of Money pretended to have been by them Levied or Received, and not by them formerly Accounted for, to the great Discouragement of others to take upon them the said Office. His Most Excellent Majesty is therefore Graciously pleased that it may be Enacted.

And be it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all and every Sheriff or Sheriffs who already have passed their Accounts, and obtained their Quietus : And all and every Sheriff or Sheriffs who hereafter shall pass his or their Accounts, and have his or their Quietus est, that then and from thenceforth the said Sheriff and Sheriffs, his and their Heirs, Executors and Administrators, Lands, Tenements, Goods and Chattles are, and shall be Absolutely Discharged

ged of and from all manner of Sum and Sums of Money which he or they shall have so Levied or Received, and pretended not to be Accounted for within the said Account Whereupon he or they had his or their Quietus est, unless such Sheriff or Sheriffs, their Executors or Administrators have been or shall be called in Question for such Sum or Sums of Money to be Levied or Received, and not Accounted for within the space of Four Years after the time of such Account passed, and Quietus est obtained.

And that Every Officer or Minister that shall send out, or Cause to be sent out, any Writ or Process, or by whose Default any Writ or Process shall be sent out, Contrary to the Tenour of this Act, shall for Every such Offence Forfeit and Pay to the Party Grieved, by such Writ or Process, the Sum of Forty Pounds, with his Costs and Damages the said Sum of Forty Pounds : And the said Costs and Damages to be Recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesties Courts of Record at Dublin at the Election of the Plaintiffs or Prosecutors, wherein no Privilege, Protection, Esloyn, or Wager of Law shall be allowed to the Defendant.

And be it further Enacted by the Authority aforesaid, That every such Offender being three Times Lawfully Convicted of any such Offence or Offences, Contrary to the True Meaning of this Act, shall from and after such their said Conviction be utterly Disabled to hold or Execute by himself, his Deputy or Deputies any Office or Employment in any Court of Justice whatsoever.

And whereas Divers Persons being in Cont-
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mission of the Peace have been made Sheriffs or Sub-Sheriffs of the same County where they were in such Commission, or being Sheriffs or Sub-Sheriffs, have been after put into the Commission of the Peace in the County where they were Sheriff or Sub-Sheriffs; and have Exercised both the said Offices at once in the same County, which is found to be Inconvenient. For Remedy Whereof,

Be it Enacted, by the Authority aforesaid, That no Person or Persons, having, Using or Exercising the Office of Sheriff or Sub-Sheriff, of or in any County or Counties, shall Use or Exercise the Office of Justice of the Peace in the same County or Counties where he or they shall be Sheriff or Sub-Sheriff, during the time that he or they shall Use or Exercise the said Office of Sheriff or Sub-Sheriff: And that all and Every Act and Acts to be Done, from and after the End of this present Sessions of Parliament, as a Justice of the Peace by any such Sheriff or Sub-Sheriff, during the time of his being Sheriff or Sub-Sheriff, shall be Void and of none Effect, and shall Lose and Forfeit for Every such Offence the sum of Twenty Pounds, one Moiety thereof to be to the Use of his Majesty, his Heirs and Successors; the other Moiety to him who shall sue for and Recover the same by Action of Debt, Bill, Plaint, or Information, in any of his Majesties Courts of Record at Dublin, wherein no Essoyn, Protection, or Wager of Law shall be Allowed.

AN

An Act Declaring which Days in the Year shall be Observed as Holy-Days.

C H A P. XIV.

WHEREAS many Idle Persons refuse to Work at their Lawful Calling and Labour on several Days in the Year, on pretence that the same is Dedicated to some Saint, or pretended Saint, Patron, or pretended Patron, for whom they have, or pretend to have, Reverence or Respect: And chuse rather to spend such Days in Idleness, Drunkenness, and Vice, to the Scandal of Religion, rather then following and Working in their Lawful Calling and Usual Employment, which hath been found by Experience to tend very much to the Impoverishing and hindring the Improvement of this Kingdom. For Remedy Whereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Asssembled, and by the Authority of the same, That if any Common Labourer, being Hired, or other Servant retained, shall Refuse to Work upon any other Day then the several Days hereafter mentioned, being thereunto Required, upon the Usual and Accustomed Wages, (That is to say) All Sundays in the Year. The Day of the Feast of the Circumcision of Our Lord Jesus Christ. Of the Epiphany. Of the Conversion

version of Saint Paul. Of the Purification of
 the Blessed Virgin. Of Saint Mathias the A-
 postle. Of the Annunciation of the Blessed Vir-
 gin. Of Saint Mark the Evangelist. Of Saint
 Phillip and Jacob the Apostles. Of Saint Bar-
 nabas the Apostle. Of the Ascension of Our Lord
 Jesus Christ. Of the Nativity of Saint John
 the Baptist. Of Saint Peter the Apostle. Of
 Saint James the Apostle. Of Saint Bartholomew
 the Apostle. Of Saint Mathew the Apostle.
 Of Saint Michael the Arch-Angell. Of Saint
 Luke the Evangelist. Of Saint Simon and
 Saint Jude the Apostles. Of All-Saints. Of
 Saint Andrew the Apostle. Of Saint Thomas
 the Apostle. Of the Nativity of Our Lord.
 Of Saint Stephen the Martyr. Of Saint John
 the Evangelist. Of the Holy-Innocents.
 Munday and Tuesday in Easter Week.
 Munday and Tuesday in Whitson Week. The
 Twenty Third of October. Fifth of November.
 The Thirtieth Day of January, and Twenty
 Ninth Day of May, yearly. And that no
 other Day, Except the Days aforesaid, and such
 other Days as on some Extraordinary Occasions
 shall hereafter be set a-part, by Order of His
 Majesty, His Heirs and Successors, or the Chief
 Governor or Governors of this Kingdom, for the
 time being, shall be kept, or Commanded to be
 kept Holy, or to Abstain from Lawful Bodily
 Labour. Every such Person or Persons so Re-
 fusing, being thereof Lawfully Convicted by his,
 or their own Confession, or by the Testimony of
 one, or more, sufficient Witness, or Witnesses, up-
 on Oath, before any Justice of the Peace, in any
 County, Mayor, or other Chief Officer of any
 City,

City, Burrough, Town or Corporation, who shall have power by Vertue of this Statute to punisher such Offences where the Offence shall be Committed, or the Party Offending Apprehended, shall forfeit the Sum of Two Shillings, to be paid at such time, or to such Person as by the said Justice of the Peace, or other Chief Officer aforesaid, shall be appointed, to be Disposed of to the Poor of the Parish where such Offence shall be Committed. And if such Offender or Offenders shall Neglect or Refuse to pay the said Sums to be Assessed or Appointed, as aforesaid, then the said Justice of the Peace, or other Head-Officer, aforesaid, shall Commit all and every such Offender and Offenders to some Constable, or other Inferior Officer of the County, City, Town, or Corporation, where the said Offence shall be Committed, or the Party Apprehended, to be Publicly Whipped; which Punishment shall be Publicly Inflicted and Executed upon such Offenders, within the space of Twenty Four Hours after such Order made.

And be it Enacted by the Authority aforesaid, That if any Constable or Inferior Officer, aforesaid, Do Refuse, or Do not at the Commandment of any Justice of the Peace, or other Chief Officer of any County, City, Town, or Corporation, Execute by himself, or by some other, to be by him procured, the Punishment aforesaid, upon all such Offenders; That in that Case it shall and may be Lawful for the said Justice of the Peace, and all and Every other Justice or Justices of the Peace, or Chief Officer of any such County, City, Town, or Corporation, upon sufficient Information thereof, to bind over such Constable, or

Inferior Town-Officer, to the next General-Quarter-Sessions of the Peace, or General Assizes, or Goal-Delivery, which shall first happen there, to be proceeded against for such his Contempt: And in Case he shall be found Guilty thereof, upon Examination of One or more Witnesses or Witnessess, he shall be fined at the Discretion of the Court, so as such Fine for Every such Offence Do not Exceed the Sum of Twenty Shillings.

Provided always, That no Justice of the Peace, or Head-Officer of any Town or Corporation, Do Execute this Statute for any Offence Done unto himself, or Whereof Complaint was not made Within Ten Days after such Refusal to Work, as aforesaid: And all Justices of Assize and Goal-Delivery are hereby Required to give this Act in Charge at Every Assize or Goal-Delivery Within the several Counties of their Circuits; and to Enquire of, Hear and Determine the Neglect of all Justices of the Peace, and others in the Due Execution of this Statute.

An Act for Granting a Supply to His Majesty, by Raising Money by a Poll, and otherwise.

C H A P. XV.

An

Gulielmi Tertii.

An Act for Granting unto His Majesty, An Aid or Additional Custom on the Several Goods and Merchandizes therein mentioned.

C H A P. XVI.

WE your Majesties Most Loyal Subjects the Commons of Ireland, in Parliament Assembled, being Convinced that the Supplies already Granted unto Your Majesty this Session of Parliament, are not Sufficient to Answer Your Majesties Occasions; And desiring to shew the sense we have of the great benefit we daily reap under your Most happy Government, which we Resolve always to support with such Necessary Supplies of Money as your Majesties Affairs Require, and the Condition of the Kingdom will bear, have Given and Granted unto Your Excellent Majesty, An Aid or Additional Duty to be Raised and Levied upon the Goods and Merchandizes following (That is to say) On Tobacco, Old-Drapery, New-Drapery, Dublin, Callicoes; all sorts of Linnen, Scotch-Cloth, and Wine that shall be Imported into this Kingdom, according to such Rates, and during such time, and in such Manner and Form as is herein after mentioned and Expressed. And We humbly beseech Your Majesty that it may be Enacted.

And be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by

by the Authority of the same, That all Tobacco, Old-Drapery and New-Drapery (Except such Old and New-Drapery that shall be of the Manufacture of England, and Imported thence) Muslin, Callicoes ; All sorts of Linnen, Scotch-Cloth, and Wines (Except Wines of the Growth of Spain, and of the Dominions thereunto belonging) that shall be Imported into this Kingdom at any time from and after the Day of the Royal Assent given to this Act, unto the Twenty Fifth Day of December, which will be in the Year of Our Lord God, One Thousand, Six Hundred, Ninety and Nine, and no longer, shall Answer and Pay unto his Majesty, his Heirs and Successors, over and above all Rates and Duties Due or Payable for, or out of the same, by Vertue of any former Law or Laws in Force at the Making of this Act, the Rates and Duties hereafter mentioned (that is to say) For every pound weight of Tobacco, Imported within the time aforesaid, one penny half penny, sterl. And for every Yard of Old Drapery Imported within the time aforesaid, Except as before Excepted, Twelve-pence, sterl. And for every Yard of New-Drapery Imported within the time aforesaid, Except as before Excepted, Four-pence, sterl. And for every Ell of Muslin, Callico, and of all and of every other sorts of Linnen Imported, within the time aforesaid (Scotch-Cloth Excepted) Six-pence, sterl. And for every yard of Scotch-Cloth Imported, within the time aforesaid, Six-pence, sterl. And for every Tun of Wine (Except Wines of the Growth of Spain, and of the Dominions thereunto belonging) Imported within the time aforesaid, Three Pounds, sterl. And

And so proportionably for a Greater or Lesser Quantity.

And be it further Enacted, by the Authority aforesaid, That the said several Duties shall be Raised, Collected, Levied and paid unto Your Majesty, Your Heirs and Successors, during the time aforesaid, at the same times, and in the same manner and Places, and by such Rules, Means and Ways, and under such Penalties and Forfeitures as are mentioned and Expressed in one Act of Parliament made in a Session of Parliament which began the Eighth day of May, in the Thirtieth Year of the Reign of the Late King Charles the Second, Intituled, An Act for Settling the Excise, or New Impost, upon the said Late King Charles the Second, His Heirs and Successors; the same to be paid upon Merchandizes Imported and Exported into or out of the Kingdom of Ireland, according to the Book of Rates to the said Act Annexed.

And whereas some Doubt hath lately Arisen, whether Tobacco Imported into this Kingdom ought to Pay, or is Chargeable With, unto His Majesty any Greater Duty upon any Account whatsoever then two pence half-penny for every Pound Weight, by Vertue of any Law or Laws in Force before the Making of this Act. For the Settling Whereof, and for prevention of all Controversy for the future touching the same.

Be it Enacted and Declared, by the Authority aforesaid, That no more then Two-pence half-penny for Every Pound Weight of Tobacco Imported into this Kingdom, was, or is Payable, or Do, or Did of Right belong unto His Majesty, or any of his Predecessors, by Vertue
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of any Act or Acts of Parliament, or Law whatsoever in Force in this Kingdom, before, or at the time of the Passing of this present Act, other then the Additional Duty of one Penny half-penny per Pound Charged as aforesaid.

Provided always, and be it Enacted by the Authority aforesaid, That the Merchant or other Importer of any Tobacco so Charged as aforesaid with the said Additional Duty of One Penny half-penny per Pound Weight, shall have like time for Payment of such Additional Duty as they had, or ought to have, by Vertue of the above-named Act of Excise, or New Impost; Any thing herein before Contained to the Contrary thereof in any wise Notwithstanding.

An

An Act for the Better Observation of the Lords Day, Commonly called *Sunday*.

C H A P. XVII.

FOR the Better Observation and Keeping Holy the Lords-Day, Commonly called Sunday,

Be it Enacted by the King's Most Excellent Majesty, by and With the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled; and by the Authority of the same, That all and Every Person and Persons whatsoever, shall on Every Lords-Day apply themselves to the Observation of the same, by Exercising themselves thereon in the Duties of Piety and True Religion, Publickly and Privately: And that no Tradesman, Artificer, Workman, Labourer, or other Person whatsoever, shall Do or Exercise any Worldly Labour, Business or Work of their Ordinary Callings upon the Lords-Day, or any part thereof (Works of Necessity and Charity only Excepted.) And that Every Person being of the Age of Fourteen Years, or Upwards, Offending in the Premises, shall for Every such Offence Forfeit the Sum of five Shillings. And that no Person or Persons whatsoever shall Publickly Cry, Shew Forth, or Expole to Sale any Wares, Merchandizes, Fruit, Herbs, Goods or Chattels whatsoever upon the Lords-Day, or any part thereof, upon pain that Every Person so Offending shall Forfeit the same

same Goods so Cryed, or Shewed Forth, or Exposed to Sale.

And it is further Enacted, That no Drober, Horse-Courser, Waggoner, Carryer, Butcher, Higler, their or any of their Servants, shall Travell, or come into his or their Inn, or Lodging upon the Lords-Day, or any part thereof, upon pain that Each and Every such Offender shall Forfeit Twenty Shillings for such Offence : And for prevention of Disorders and Breaches of the Peace, which commonly happen in Divers parts of the Kingdom, by reason of Tumultuous and Disorderly Meetings, which have been, and frequently are, used on the Lords-Day, Commonly called Sunday, under pretence of Hurling, Commoning, Foot-Ball-Playing, Cudgells, Wrestling, or other Sports.

Be it further Enacted, by the Authority aforesaid, That no Person or Persons whatsoever, shall Play, Use, or Exercise any Hurling, Commoning, Foot-Ball-Playing, Cudgells, Wrestling, or any other Games, Pastimes, or Sports on the Lords-Day, or any part thereof. And if any Person or Persons shall Offend therein, and be thereof Convicted in such manner as herein after Directed ; Every such Person and Persons shall Forfeit the Summ of Twelve-pence, sterl. for Every such Offence, to be immediately paid to such Justice of the Peace, Officer or Officers, before whom such Conviction shall be. And that if any Person Offending against this Act, or any thing therein Contained, shall be thereof Convicted before any Justice of the Peace of the County, or of the Chief Officer or Officers, or any Justice of the Peace, of, or within any City,

ty, Burrough, or Town Corporate, where the said Offence shall be Committed upon his or their View, or Confession of the Party, or proof of any one, or more Witnesses, by Oath, which the said Justices, Chief Officer or Officers is by this Act Authorized to Administer: The said Justice, or Chief Officer or Officers shall Give Warrant under his or their Hand and Seal to the Constables or Church-Wardens of the Parish or Parishes where such Offence shall be Committed, to Seize the said Goods Cryed, Shew'd Forth, or put to Sale, as aforesaid; And to Sell the same: And to Levy the said other Forfeitures or Penalties, by Way of Distress and Sale of the Goods of Every such Offender Distraigned, rendring to the said Offender the Overplus of the Monies Raised thereby. And in Default of such Distress, or in Case of Insufficiency, or Inability of the said Offender to pay the said Forfeitures and Penalties, That then the Party Offending be Set Publickly in the Stocks by the space of two Hours, and all and singular the Forfeitures or Penalties aforesaid, shall be Employed and Converted to the use of the Poor of the Parish where the said Offences shall be Committed, saving only that it shall and may be Lawful to and for any Justice, Mayor, or Head Officer or Officers, out of the said Forfeitures or Penalties, to Reward any Person or Persons that shall Inform of any Offence against this Act, according to their Discretions; so as such Reward Exceed not the third part of the Forfeitures or Penalties.

Provided that nothing in this Act Contained shall Extend to the Prohibiting of Dressing Meat in Families, or Dressing or Selling of Meat in Inns,
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Cooks-Shops, or Victualling-Houses, for such as otherwise cannot be provided : Nor the Crying or Selling of Milk or Fish before Ten of the Clock in the Morning, or after Four of the Clock in the Afternoon : Nor to the Using of Hackney-Coaches in or about the City of Dublin.

Provided also that no person or persons shall be Impeached, Prosecuted or Molested for any Offence before-mentioned in this Act, unless he or they be Prosecuted for the same within Ten Days after the Offence Committed.

Provided ; And be it further Enacted, by the Authority aforesaid, That if any person or persons whatsoever, which shall Travell on the Lord's-Day, shall be then Robbed, that no Hundred, or the Inhabitants thereof, shall be Charged With, or Answerable for any Robbery so Committed ; but the person or persons so Robbed shall be barred from bringing any Action for the said Robbery, Any Law to the Contrary Notwithstanding.

Nevertheless the Inhabitants of the Counties, Hundreds, or Baronies, after Notice of any such Robbery to them, or some of them given ; or after Hue and Cry for the same to be brought, shall make, or Cause to be made, fresh Suite and Pursuite after the Offenders, with Horsemen and Foot-men, according to the Statute made in the Tenth Year of the Reign of King CHARLES the First, upon pain of Forfeiting to the King's Majesty, his Heirs and Successors, as much Money as might have been Recovered against the said Hundred or Barony, by the Party Robbed, as if this Law had not been made.

Provided

Provided also, and be it Enacted, That no person or persons upon the Lord's-Day, Commonly called Sunday, shall Serve, or Execute, or Cause to be Served or Executed, any Writt, Process, Warrant, Order, Judgment, or Decree (Except in Cases of Treason, Felony, or Breach of the Peace) But that the Service of Every such Writt, Process, Warrant, Order, Judgment or Decree, shall be Void to all Intents and Purposes whatsoever; And the person and persons so Serving or Executing the same shall be as Liable to the Suite of the Party grieved, and to Answer Damage to him for Doing thereof, as if he or they had done the same Without any Writt, Process, Warrant, Order, Judgment or Decree at all. And for the better preventing, Drinking and Intemperance on the Lord's-Day, Commonly called Sunday.

Be it also Enacted by the Authority aforesaid, That no Keeper of any Tavern, Ale-house or publick Victualling-house, shall Receive, Entertain or permit to remain in his house any person or persons, During the Time of Divine Service, Except those who are of their own family, or Lodgers in the said house; or furnish them with Wine, Ale, Beer, or other Liquor of any sort, upon the penalty of Forfeiting of Ten Shillings for Every such Offence, to be paid by Every such Keeper of Taverns, Ale-houses, or publick Victualling-houses; and also of the sum of five Shillings to be forfeited by Every such person or persons who shall Enter or Remain in such Taverns, Ale-houses, or Victualling-houses, Contrary to this Act.

And

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Anno Regni Septimo

And for the better Execution thereof all Constables and Church-Wardens of Parishes, within the several Cities and Towns Corporate within this Realm, are Commanded and Required frequently, and as often as they have Reasonable Cause so to Do, to Enter into all Taverns, Ale-Houses, and Victualling-Houses, within their Parishes or Districts, where they shall Reasonably suspect any person to be and Remain, Contrary to the Intent of this present Act: And to Apprehend such persons as they shall find or Reasonably suspect to be Offenders against the same: And also the Master or Keeper of such House where such Offenders shall be Apprehended; and them in Custody to Carry before the next, or some other, Justice of Peace near the place where such person shall be Apprehended; which Justice or Justices of the Peace are hereby Impowred to Examine Witnesses upon Oath touching the Breach of this Law: And after Examination to proceed to a Conviction or Acquittal of the persons Accused, which shall be Final to all Parties. And if such Justice or Justices of the Peace shall upon proof Convict the persons Accused to have Offended against this Law, the said Justice of Peace shall forthwith Demand from such Offenders the Penalties on them Intended to be Imposed by this Act, and Receive the same; and in Default of payment, to Commit the Offender to the Goal of the said County, till he shall have made payment of the same; which Summ so paid and Received shall be Applied to the Use of the Poor of the Respective Parishes where such Offences have been or shall be Committed.

Provided

Provided nothing herein Contained shall Extend to Persons who have been in any Inns before the Lords-Day, Commonly Called Sunday, and Design to Abide there on Sunday: But it shall and may be Lawful for such persons to Continue and Remain in such Inns and Publick Houses, as if this Act had never been made.

Provided always that this Act shall Commence and Take Effect on the First Day of November, in the Year of Our Lord, One Thousand Six Hundred Ninety Five, and not before.

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An

C H A P. XVIII.

An Act for taking Special Bails in the Country upon Actions and Suits Depending in the Courts of King's-Bench, Common-Pleas, and Exchequer, at Dublin.

FOR the Greater Ease and Benefit of all Persons whatsoever, in taking the Recognizances of Special Bail, upon all Actions and Suits Depending, or to be Depending, in any the Courts of King's-Bench, Common-Pleas, or Exchequer at Dublin.

Be it Enacted by the King's Most Excellent Majesty, by and With the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the Chief Justice, and other the Justices of the Court of Kings-Bench, for the time being, or any two of them, whereof the Chief Justice, for the time being, to be one for the said Court of King's-Bench, and the Chief Justice of the Court of Common-Pleas ; and other the Justices there, for the time being, or any two of them, whereof the Chief Justice of the same Court to be one for the said Court of Common-Pleas ; and also the Chief Baron and Barons of the Court of Exchequer, for the time being, or any two of them, whereof the Chief Baron, for the time being, to be one for the said Court of Exchequer, may, and are Required, by one or more Commission or Commissions, according to the Largeness

ness of the severall Counties, under the severall Seals of the said Respective Courts, from time to time, as need shall Require, Impower such, and so many Persons, other then common Attorneys and Solicitors, as shall be fit and Necessary in all and Every the severall Counties within the Kingdom of IRELAND, to take and Receive all and Every such Recognizance or Recognizances of Bail or Bails, as any person or persons shall be Willing or Desirous to Acknowledge, or make before any of the persons so Impowered, in any Action or Suit Depending, or hereafter to be Depending, in the said Respective Courts, or any of them, in such manner and Form, and by such Bail Peice as the Justices and Barons of the said Respective Courts have used to take the same ; For Each of which Commissions there shall be paid Thirteen Shillings and four-pence, and no more : Which said Recognizance or Recognizances of Bail, or Bail Peice so taken, as aforesaid, shall be Transmitted to some, or one of the Justices or Barons of the said Respective Courts where such Action or Suit shall be Depending : And upon Affidavit made of the Due taking of the Recognizance of such Bail Peice, by some Credible Person present at the taking thereof, such Chief Justice or Chief Baron, Justice or Baron shall receive the same upon Payment of such Fees as have ben Usually Received for the Taking of Special Bails by the Justices and Barons Clerks, and other the Officers of the said Respective Courts : Which Recognizance of Bail, or Bail Peice so taken and Transmitted shall be of the like Effect, as if the same were

Were taken, de bene Esse, before any of the said Justices and Barons. For the taking of Every which Recognizance or Recognizances of Bail, or Bail Peice, the person or persons so Impowered shall Receive only the Summ or Fee of Two Shillings, and no more.

And be it further Enacted, by the Authority aforesaid, That the Justices and Barons Respectively, in the severall Courts, shall make such Rules and Orders for the Justifying of such Bails, and making the same Absolute, as to them shall seem meet; so as the Cognizor or Cognizors of such Bail or Bails be not Compelled to Appear in person in any of the said Courts to Justifie him or themselves; but the same may, and is hereby Directed to be Determined by Affidavit or Affidavits Duely taken before the said Commissioners, who are hereby Impowered and Required to take the same: And also to Examine the Sureties upon Oath touching the Value of their Respective Estates, unless the Cognizor or Cognizors of such Bail do Live within the City of Dublin, or within Ten Miles thereof.

And be it further Enacted, by the Authority aforesaid, That any Judge of Assize in his Circuit, shall, and may Take and Receive all and Every such Recognizance and Recognizances of Bail or Bails, as any person shall be Willing and Desirous to make and Acknowledge before him; which being Transmitted in like manner, as aforesaid, shall without Oath be Received in manner, as aforesaid, upon Payment of the Usual Fees.

And be it further Enacted, by the Authority
aforesaid,

aforsaid, That any Person or Persons who shall before any Person or Persons Impowered, by Vertue of this Act, as aforsaid, to take Bail or Bails, Represent or Personate any other Person or Persons, whereby the Person or Persons so Represented and Personated, may be lyable to the Payment of any Summ or Summs of Money, for Debt or Damages, to be Recovered in the same Suit or Action wherein such Person or Persons are Represented and Personated, as if they had Really Acknowledged and Entred into the same, being Lawfully Convicted thereof, shall be Adjudged, Estemed, and Taken to be Felons, and suffer the Pains of Death; And Incurre such Forfeitures and Penalties as Felons, in other Cases Convicted or Attainted, do by the Law of this Realm Lose and Forfeit.

An Act for Granting Tales on Tryals, to be had in the Court of the County Palatine of Tipperary, before the Seneschall.

C H A P. XIX.

WHEREAS it has been found by Experience that the Non-Appearance of Jurors hath been a Great Delay to the Doing Justice, and by Consequence very prejudicial to His Majesties Subjects. For the Remedy whereof, in Cases to be Tryed by *Nisi prius*, a Good Law hath been Enacted in this Kingdom in the Tenth Year of the Reign of Charles the First, Late King of England, &c. And Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*. And Whereas all Tryals in the County Palatine Court of Tipperary are had at the Bar of the said Court, and can only be Tryed by Jurors Returned in the Venire, which hath been found to be very Grievous to all such Persons as have Right to Demand, or Recover any Lands, Tenements or Hereditaments, or other thing whatsoever within the said County Palatine. For Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, With the Assent of the Lords Spiritual and Temporal, and Commons in this present Parliament, Assembled, and by Authority of the same, That on all Tryals hereafter to be had in any Cause whatsoever in the said Court of the said County Palatine, to be held before

before the Seneschall thereof, upon the Jurors Non-Appearance, it shall and may be Lawful for either Party, Plaintiff or Defendant, to Demand a Tales de Circumstantibus, which shall be granted by the Court, and Returned by the proper Officer and Officers in such Manner and Form: And to such Effect and Purpose as by the said Statute, made the Tenth Year of the Reign of the Late King CHARLES the First, Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*, is Provided upon Tryals of *Nisi prius*: And that all Tryals so had, shall for ever hereafter be Adjudged, Construed, and taken to be Valid and Sufficient in Law, Notwithstanding any Exception that may or shall be Taken, by Reason such Tryal or Tryals was or were had by Person or Persons Returned upon the Tales, as aforesaid.

An

An Act Concerning Fines in the County Palatine of Tipperary.

C H A P. XX.

WHEREAS it is for the Common Good and Advantage of the Publick, that the Estates of Purchasers for Valuable Considerations should be Secured unto them, towards which nothing has conduced more then Fines Levied in Due Form of Law. And Whereas some doubt may arise concerning the Validity of Fines Levied in the County Palatine Court of Tipperary, according to the Custom and Usage thereof, Whereby the Estates of several of His Majesties Subjects who have been, and may hereafter be, Purchasers of Lands, Tenements, and Hereditaments, being within the Jurisdiction of the said Palatinate, may to their great prejudice be called in Question. For Remedy Whereof,

Be it Enacted, by Your Most Excellent Majesty, by and with the Assent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and singular the Fines heretofore Levied in the Court of the said County Palatine, shall be of the same Force and Efficacy in Law as Fines with Proclamations Levied before His Majesties Justices of the Common-Pleas in this Kingdom, and that all and singular Fines, which at any time hereafter

ter shall be Levied or acknowledged in any Term before the Judge or Judges in the said County Palatine of Tipperary, for the time being, of any Lands, Tenements, or other Hereditaments, Lying, or being Within the said County Palatine, which shall be openly Read and Proclaimed in the open Court, in the presence of the Judge or Judges, in the Term held for the said Palatinate, being the same Term that the same shall fortune to be Ingrossed; And also that shall be openly Read and Proclaimed in the presence of the Judge or Judges of the said County Palatine of Tipperary, or one of them, for the time being, at Two Terms that shall be holden in the said County Palatine of Tipperary, before the Judge or Judges of the same, or one of them next after the Levying and Ingrossing of such said Fine, shall be of like, and of the same Force, Strength, and Effect in the Law, to all Intents, Constructions and Purposes, as Fines being duly Levied with Proclamations before the King's Judges of his Common-Pleas at Dublin, be, or ought to be.

An Act for the Better Suppressing Tories, Robbers
and Rapparees ; And for preventing Robberies,
Burglaries, and other Heinous Crimes.

C H A P. XXI.

FOrasmuch as by the Late Rebellion in this
Kingdom, a great part thereof hath been
left Waste and Desolate ; and the frequent
Robberies, Murders, and other Notorious
Felonies Committed by Robbers, Rapparees and
Tories, upon their Keeping, hath greatly Discou-
raged the Re-Planting of this Kingdom, the
Papist Inhabitants thereof Chusing rather to
suffer Strangers to be Robbed and Despoiled
of their Goods then to apprehend or Condict the
Offenders, of whom the greatest part are Peo-
ple of the same Countrey ; and Countenanced,
Harboured, and Concealed by the Inhabitants
thereof. For the remedy of which Mischiefs, and
for the better Encouragement of Strangers to
Plant and Inhabit this Your Majesties Kingdom
of Ireland, and for the General Preservation of
the Peace and property of Your Majesties Good
Subjects therein.

May it please Your Majesty that it may be
Enacted ; And be it Enacted by the King's Most
Excellent Majesty, by and With the Consent of
the Lords Spiritual and Temporal, and Com-
mons in this present Parliament Assembled, and
by the Authority of the same, That the Inhabi-
tants of every Barony or County, Within this
Kingdom, shall make full satisfaction and amends
for all Robberies, Burglaries, Burning of Houses
or Haggards of Corn, Killing or Maiming of
Cattle,

Cattle, which shall be Committed or Done by Robbers, Rapparees or Tories within such Barony or County, from and after the Royal Assent given to this Bill, in manner and form following (That is to say) Where all or any of the Facts shall be Committed or Done by Rapparees, Robbers or Tories, as aforesaid, that are or shall be Papists or Reputed of the Popish Religion, the Popish Inhabitants of the Barony or County wherein all or any of the said Facts shall be Committed shall make satisfaction and amends for the same: And Where all or any of the said Facts shall be Committed or Done by Robbers, Rapparees or Tories, as aforesaid, that are or shall be Protestants, or Reputed to be of the Protestant Religion, the Protestant Inhabitants of the Barony or County wherein all or any of the said Facts shall be Committed, shall make satisfaction and amends for the same. And if it shall happen that all or any of the said Facts be Committed or Done by Popish and Protestant Robbers, Rapparees or Tories, as aforesaid, then and in such Case the Popish and Protestant Inhabitants of the Barony or County wherein such Facts shall be Committed or Done shall make satisfaction and amends for the same; and in such proportion, and according to the Number of such Papists and Protestants as shall Commit the same (that is to say) if two Papists and one Protestant, the Papist Inhabitants to pay two shares, and the Protestants the remaining third part of the said Damages; And so pro rata in Case of a greater or lesser Number. And if all or any of the said Facts be Committed or Done in the Division or Meeting of two Baronies, or two Counties, so as it shall be uncertain

tain in which County or Barony the Fact or Facts were Committed ; then and in such Case the Inhabitants of both Baronies, or both Counties shall make satisfaction and amends for the same, in such manner, and under such Distinction as is hereby Declared.

And be it further Enacted, by the Authority aforesaid, That in all Cases where the Damages do not Exceed the sum of Ten pounds, Sterling, the Inhabitants of the Barony and Franchizes within the Precincts thereof, wherein all or any of the said Facts shall be Committed, and not the County at Large shall make satisfaction and amends for the same, in such manner, and with such Distinction, as aforesaid ; And in all Cases where the Damages do exceed the sum of Ten pounds, sterl. the Inhabitants of the County wherein all or any of the said Facts shall be Committed shall make satisfaction and amends for the same, in the manner, and with the Distinction aforesaid : And that the Jury that shall Try any Action Committed or Prosecuted on this Act, shall in their Verdict Ascertain the person and persons that commit such Robbery, Burning of Houses, or Haggards of Corn, Killing or Waiming of Cattle, whether they were Papist or Protestants, and the Number of the one and the other, as also the Damages according to the Evidence that shall be on the Tryal offered to them.

And be further Enacted, by the Authority aforesaid, That every person and persons, so as aforesaid, Robbed or Dammed, may be hereby Enabled to Sue for and Recover his or their Damages against any Inhabitant of the said County or Barony, who by this Act shall be made

made liable to answer any part thereof; and that immediately after such Recovery and Execution against the said Inhabitants, all other the Inhabitants of the said Barony or County who by this Act shall be made lyable to all or any part of the said Damages shall be Ratably and proportionably Taxed for and towards an Equal Contribution for the Relief of such Inhabitant against whom the said Recovery and Execution is had; which Tax shall be Made, Levied and Raised by such Ways and Means, and in such Manner and Form as is prescribed and mentioned in a former Statute, Intituled, An Act for the following of Hue and Cry, made in the Tenth and Eleventh Years of the Reign of King Charles the First, in this Kingdom.

And be it further Enacted, by the Authority aforesaid, that no person or persons shall Recover any Damages by Vertue of this Act, unless he or they by themselves, or by their Servants within twenty four hours after such Robbery or Injury done him or them by any Robbers, Tories or Rapparees, or within reasonable time after he shall be at Liberty, shall give Notice of such Robbery or Mischiefs done and Committed unto some of the Inhabitants of some Town, Village or Hamlett near unto the place where any such Fact shall be Committed, and shall within four Days after such Notice, give in his, her, or their Examination upon Oath, or of their Servant or Servants that were in his or their House, or that had the Care of his Corn, Stock or Goods, before some Justice of the Peace of the County where such Fact shall be Committed, Inhabiting within the Barony where the said Fact shall hereafter happen to be Committed, or near unto the same

same whether he or they do know the Person or Persons that Committed such Fact, or any of them, and if upon such Examination it be Confest that he or they do know the person or persons that Committed the said Fact, or any of them, that then he or they so Confessing shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment, or otherwise, according to the Laws of this Kingdom.

And moreover be it Enacted by the Authority aforesaid, That before any Action shall be Commenced or Prosecuted on this Act for recovery of Damages for any Losses sustained by reason of any Robbery, burning of Houses, or Corn, or Destruction of Cattle, Contrary to the Tenour of this Act, the Person or Persons so Injured shall obtain or procure a Presentment to be made at the next Assizes or Quarter-Sessions to be held after such Robbery, Injury, or Fact Committed, by the Grand Jury of the County where such Fact shall be Committed, wherein Notice shall be taken of such Robbery, or other Injuries or Mischiefs, and of the Losses Sustained, the Number of the Offenders, and how many of them are Papists, or Reputed such, and how many Protestants or Reputed such; As also of the Barony or Baronies and County where such Fact was Committed; With the Names of the Offenders: But in Case where the Person or Persons Robbed, Burnt, or Injured, or their Servant or Servants do not know the Names of all or any of the Offenders, and shall Declare so on their Oath openly in Court, being Examined to the said particulars, the said Grand Jury in such Presentment to give the best Description they can on the Evidence produced before them of such Malefactors, to the End they may be brought the

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speedier

speedier to Justice : Which Presentment shall be given in Evidence by the Person and Persons that shall obtain the same on any Tryal for Damages for his Losses Sustained, according to the purport of this Act.

And for the better Suppressing Robbers, Tories and Rapparees that have so much of late Disturbed the Peace and Settlement of this Kingdom,

Be it Enacted by the Authority aforesaid, That if any person or persons shall be at any time hereafter presented at the Assizes or Quarter-Sessions by the Grand-Jury, as a Tory, Rapparee or Robber out on his keeping, and such Presentment being returned to the Clerk of the Council, the person and persons in such Presentment named, shall by Proclamation from the Lord Deputy or other Chief Governor or Governors and Council of this Kingdom be Proclaimed; and in Case such person or persons so Proclaimed, do not within the time to be limited by such Proclamation, render him or themselves to some one or more Justices of the Peace of the County, where such Presentment shall be made, he and they so Presented and Proclaimed shall from thenceforth be Convict of High-Treason and suffer accordingly. And that all and every person and persons Concealing, Aiding, Abetting and Succouring such person and persons, so Presented and Proclaimed, knowingly from and after the time so limited by such Proclamation, shall be guilty of Felony without Clergy, and Suffer as Felons Convict of Felony without Clergy. And for the better Encouragement of such persons as shall Take and Convict, or Kill any Robber, Rapparee or Tory in Arms, and upon his Keeping, Indicted, Proclaimed or Presented, as aforesaid, the Justices of Assize in their Circuit, and the Ju-
stices

Justices of Peace in their Quarter-Sessions, Respectively, With the Assent of the Grand-Jury, shall have power and Authority to Tax and Sell every Inhabitant in any County, Barony, City, Burrough, Town or Parish within the Limits of their Commissions and Authorities, to such Reasonable Aid or Sum of Money as they shall think fit in their Discretion Convenient and Sufficient for Encouraging and Rewarding such Person or Persons as shall take and Convict or Kill any Robber, Rapparee or Tory in Arms, and upon his Keeping.

Provided such summs do not Exceed Twenty pounds for any one Tory, which said sum or summs of money so to be Raised shall be Apportioned and Apportioned by the said Grand Jury, and Levied by such Collectors as they shall appoint, who shall have Power and Authority to Receive the said Summs of Money, and to Distrain every such Inhabitant as shall be Taxed and refuse payment thereof; and to Sell such Distress, and deliver the Money Taxed to such Person or Persons as shall take or Kill such Robber, Rapparee or Tory; and the Residue, if the Distress be better, to deliver to the Owner thereof. This Act to Continue and be of Force for three Years from the Royal Assent being given thereto; and to the End of the first Session of the next Parliament after the said three Years, and no longer.

An Act for the more Speedy and Effectual Proceeding upon Distresses and Avowries for Rent.

C H A P. XXII.

FORASMUCH as the Ordinary Remedy for Arrearages of Rents is by Distress upon the Lands Chargeable therewith; and yet Nevertheless by reason of the Intricate and Dilatory proceedings upon Replevin, that Remedy is become Ineffectual. For Remedy Whereof,

Be it Enacted by the King's Most Excellent Majesty, With the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That whenever any Plaintiff in Replevin shall be Non-Suit before Issue Joyned in any Suit in Replevin, by Plaint or Writ Lawfully Returned, Removed, or Depending in any of His Majesties Courts at Dublin, or any Courts Palatine, or other Courts of Record within this Kingdom, That the Defendant Abowant making a Suggestion in Nature of an Abowry or Connulance for such Rent, to Ascertain the Court of the Cause of Distress, the Court upon his Prayer shall Award a Writ to the Sheriff of the County Where the Distress was taken, to Inquire by the Oaths of Twelve Good and Lawful Men of the Baliwick, touching the Summ in Arrear at the time of such Distress taken, and the value of the Goods or Cattle Distrained, and thereupon Notice of Fiftē Days shall be given to the Plaintiff, or his Attorney in

in Court of the Sitting of such Inquiry, and thereupon the Sheriff shall Inquire of the Truth of the matter Contained in such Writ, by the Oaths of Twelve Good and Lawful Men of his County; and upon the Return of such Inquisition the Defendant shall have Judgment to Recover against the Plaintiff the Arrearages of such Rent, in Case the Goods or Cattle Distrained shall amount unto the Value; and in Case they shall not amount to that Value, then so much as the Value of the said Goods and Cattle so Distrained shall amount unto, together with his full Costs of Suit, and shall have Execution thereupon by Fieri facias, or Elegit, or otherwise, as the Law shall Require: And in Case such Plaintiff shall be Nonsuite, after Connuzance or Abowry made, and Issue Joined, or if the Verdict shall be given against such Plaintiff, then the Jurors that are Impannelled or Returned to Inquire of such Issue shall at the Prayer of the Defendant Inquire concerning the Summ of the Arrears, and the Value of the Goods or Cattle Distrained; And thereupon the Abswant, or he that makes Cognizance shall have Judgment for such Arrearages, or so much thereof as the Goods or Cattle Distrained amount unto, together with full Costs; and shall have Execution for the same by Fieri facias, or Elegit, or otherwise, as the Law shall Require.

And be it further Enacted, by the Authority aforesaid, That if Judgment in any of the Courts aforesaid, be given upon Demurrer for the Abswant, or him that makes Cognizance for any Rent, the Court shall at the Prayer of the Defendant

pendant Award a Writt to Inquire of the Value of such Distress, and upon the Return thereof Judgment shall be given for the Abolwant, or him that makes Cognizance, as aforesaid; For the Arrears Alledged to be behind in such Acknowledgment or Cognizance if the Goods or Cattle so Distrained shall amount to the Value; And in Case they shall not amount to that Value, then for so much as the said Goods or Cattle so Distrained amount unto, together with his full Costs of Suit, and shall have like Execution as aforesaid.

Provided always, and be it Enacted, That in all Cases aforesaid, where the Value of the Cattle Distrained, as aforesaid, shall not be found to be to the Value of the Arrears Distrained for, that the Party to whom such Arrears were Due, his Executors or Administrators may from time to time Distrain again for the Residue of the said Arrears.

And Whereas no Sheaves or Cocks of Corn, Loose, or in the Straw, or Hay in any Barn or Granary, or in any Hobell, Stack or Rick can by the Law be Distrained, or otherwise secured for Rent, whereby Landlords are oftentimes Deceived by their Tennants, who Sell their Corn, Grain and Hay to Strangers, and Remove the same from the premises Chargable with such Rent, and thereby avoid the payment of the same.

Be it further Enacted by the Authority aforesaid, That for Remedying the said Practice and Deceit, it shall and may from henceforth be Lawful to and for any Person or Persons, having Rent Arrear and Due upon any Demise, Lease,

Lease, or Contract, to Seize and Secure any Sheaves or Cocks of Corn, or Corn, Hay, or in the Straw or Hay, lying or being in any Barn or Granary, or upon any doore, Stack or Rick, or otherwise, upon any part of the Land or Ground Charged with such Rent, and to Lock up, or Distrain the same in the place where the same shall be found, for, or in the Nature of a Distress, until the same shall be Replevied upon good Security to be given to the Sheriff, as aforesaid. And in Case such Distress shall not be Replevied or owned within the space of Eight Days next after the taking thereof, then the same to be Appraised and Sold according to the Laws and Customs of this Kingdom.

Provided Nevertheless that such Corn, Grain, or Hay so Distrained, as aforesaid, be not Removed by the Person or Persons Distraining to the Damage of the Owner thereof, out of the place where the same shall be found and Seized, but be kept there as Impounded, until the same shall be Replevied or Sold, as aforesaid. And in Case any Replevin shall be brought for such Sheaf or Sheaves of Corn or Grain, or Hay, if the Plaintiff in such Replevin shall be Ponsuit, either before or after Appearance, or a Verdict pass against him, or Judgment be given against him, upon Demurrer, as aforesaid, in all such Cases such Proceedings to be by Inquisition or Fineing of the Jury at the Barr upon like Suggestion to be made in the Connuzance or Abowry, and like Execution in such Cases to be Awarded.

And be it further Enacted, by the Authority aforesaid,

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Anno Regni Septimo

aforeſaid, That upon any Pound, Breach, or
of Goods and Chattles Diſtrained for Rent, the
Perſon or Perſons grieved thereby ſhall in a
Special Action upon the Caſe for the Wrong
thereby ſuſtained Recover his and their Treble
Damages and Coſts of Suit againſt the Of-
fender or Offenders in any ſuch Reſcue or
Pound, Breach, any, or any of them, or againſt
the Owners of the Goods Diſtrained, in Caſe
the ſame be afterwards found to have come to
his Uſe or Poſſeſſion.

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his Uſe or Poſſeſſion.

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An Act for Continuing the Statute for An Additional Excise upon Beer, Ale, and other Liquors.

CH. A. P. XXIII.

WHEREAS in this present Session of Parliament there was an Act Established and Enacted by Authority of the said Parliament, That from and after the Thre and Twentieth Day of October, in this present Year of Our Lord, One Thousand, Six hundred, Ninety Five, there shall be throughout this Your Majesties Kingdom of Ireland, Raised, Levied, Collected, and paid unto Your Majesty, during the space of one Year from the said Twenty Thirde of October, and no longer, for Beer, Ale, and other Liquors in the said Act Expressed, by way of Excise (over and above all other Duties, Charges and Impositions formerly Set and Imposed) the Excise and Duties in the said Act Sett and Imposed, as by the said Act, amongst other things therein Contained more at large it doth and may appear.

And Whereas the said Act may not fully Answer the Ends therein Designed towards the Defraying the Necessary Charges of the Publick, We Your Majesty's Most humble and Loyal Subjects, the Commons in this present Parliament Assembled, taking into Our Serious Considerations the Weighty and Pressing Occasions which at this time Require a further

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Supply

Supply of Money, in a Most Dutiful Acknowledgment of Your Majesties great Goodness, Expressed in Your Tender Care of the Welfare of Us your People, Do humbly present Your Majesty With a further Supply, by Way of Additional Duty of Excise upon Beer, Ale, and other Liquors; And do Most humbly Beseech Your Majesty that it may be Enacted, And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That the said Act, and Every Clause, Article, Provision, Thing and Things in the same Specified or Contained, and the Duties therein mentioned, be, and are hereby Continued and made payable in manner as in the said Act is Specified, untill the Twenty Fifth Day of December, which shall be in the Year of Our Lord, One Thousand, Six Hundred, Ninety Eight.

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An Act for the better Regulating of Measures and throughout this Kingdom.

C H A P. XXIV.

FOR Prevention of the many and Great Inconveniencies and Discouragements to Trade in this Kingdom, which proceed from the Want of one Certain and Known Measure for all sorts of Grain to be Measured and Sold by, in and throughout this Kingdom.

Be it therefore Enacted by the King's Most Excellent Majesty, by and With the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That one and the same Measure shall be Used in and throughout this Kingdom, and Every part thereof: And that the Measure and Measures to be henceforth Used in this Kingdom shall be and Contain as herein after is mentioned and Appointed, and no otherwise (that is to say) The Measure Called the Peck shall be and Contain Two Gallons, and no more. The Measure Called the Bushell shall be and Contain Eight Gallons, and no more. The Measure Called the Half Barrel shall be and Contain Sixteen Gallons, and no more. And the Barrel shall be and Contain Thirty Two Gallons, and no more. The said Gallon to Contain Two Hundred Seventy Two Cubical Inches, and one fourth part of a Cubical Inch, according to the

the Gallon mentioned and Appointed in and by one Act of Parliament, made and Enacted in this Kingdom, in the Twelfth Year of the Reign of the Late Queen ELIZABETH, of Blessed Memory.

And be it also Enacted, that there shall be forthwith provided, at his Majesties Charge, one Barrel, one half Barrel, one Bushel, one Peck, and one Gallon, according to the above said Measure; which said Barrel, half Barrel, Bushel, Peck and Gallon shall be the Standards for the Measures in and throughout this Kingdom of IRELAND: And that the said Standards being marked with the Crown, and Letters of his Majesties Name, shall be placed, and safely kept in his Majesties Exchequer of this Kingdom, in the Custody of the Lord Treasurer of this Realm, or of the Vice-Treasurer, his Deputy or Deputies for the time being.

And be it further Enacted, That in Every County, Town, City, Liberty, Franchise, and Market-Town within this Realm, shall be placed and kept at the proper Costs and Charges of Each County, City, Liberty, Franchise, and Market-Town, Respectively, in the Custody of the Sheriff of such County, and of the Mayor, Bayliff, Sovereign, Seneschal, or Steward of any Liberty, or Mannor, or other Chief Magistrate Residing in such City, or Market-Town, one Barrel, one half Barrel, one Bushel, one Peck, and one Gallon, according to the above Measures; which said Barrel, half Barrel, Bushel, Peck and Gallon shall be first Measured by the said Standards in the Exchequer,
and

and shall be feberally Sealed, Branded or Marked on the Edge or Brim, with the Crown and Letters of his Majesties Name, and with such other Mark as the Lord High Treasurer of this Kingdom, or the Vice-Treasurer, his Deputy or Deputies, for the time being, shall think fit, and that for the Measuring, Branding and Marking of Each such Measures the sum of Six-pence, and no more, shall be paid to the said Lord High-Treasurer, or the Vice-Treasurer, his Deputy or Deputies, for the time being, by the Person or Persons who shall bring the said Measures to be Measured, Branded or Marked; Which said Barrels, half Barrels, Bushels, Pecks and Gallons, in the Custody of the said Sheriffs, Mayors, Bayliffs, Sovereigns, Seneschals, or Stewards of any Liberty, or Mannor, or other Head-Officers, being Measured or Marked by the said Lord High Treasurer, or the Vice-Treasurer, his Deputy or Deputies, for the time being, shall be and Remain the Standards for such County, City, Liberty or Franchise, or Market-Town, Respectively.

And be it further Enacted, That the said Sheriffs, Mayors, Bayliffs, Sovereigns, Seneschals, or Steward of any Liberty, or Mannor, and other Officers, in whose Custody such Standards are hereby Appointed to Remain, shall have full power to Measure and Compare all such Barrels, half Barrels, Bushels, Pecks and Gallons, as shall be brought, or offered to them, or any of them to be Measured or Marked; And if upon Measuring the same, they or any of them shall find the said Measures so brought

brought or offered, Respectively, to be agreeable to, and to Contain Equal Quantities with the said Measures Marked by the said Lord High-Treasurer, or Vice-Treasurer, his said Deputy or Deputies, for the time being, That then the said Sheriffs, Mayors, Bayliffs, Soberaings, Seneschal, Steward, or other Chief Officers, or any of them, shall Mark, or Brand the said Measures so brought to them on the Rim or Edge of them, Respectively, with the Crown and Letters of His Majesties Name; and also with a Mark or Brand to be appointed by each County, City, Liberty or Franchise, or Market-Town, Respectively: And that for the Measuring and Marking of Each such Measure, shall be paid by the Person or Persons bringing or offering the said Measure or Measures to be Sealed or Marked, the Sum of Six-pence, and no more.

And be it further Enacted by the Authority aforesaid, That from and after the Twenty Sixth Day of March, which will be in the Year of Our Lord, One Thousand, Six hundred, Ninety Six, no Measures shall be Used for Measuring any sort of Grain in this Kingdom, or in any part thereof, but such as shall be first Measured and Compared by the said Standards in the Exchequer, or by one of the said Standards Remaining in the Custody of such as hereby are Appointed to have the Custody of them in the Respective Counties, Cities, Liberties, Franchises, and Market-Towns within this Kingdom, and shall be Branded and Marked, as aforesaid: And that whosoever after the said Twenty Sixth Day of March next, shall Sell or Measure any sort of Grain, Corn, Vault, or Wat-Meal, in any place or places whatsoever within

Within this Kingdom, by any Measure or Measures Containing any Greater or Lesser Quantity then as aforesaid, or by any Barrell, half Barrell, Bushel, Peck or Gallon which hath not been Measured by, and is not of Equal Content With the said Standard in the Exchequer, or by, and With the said Standards Remaining in the said Counties, Towns, Cities, Liberties, Franchizes, or Market-Towns, or some of them, or that hath not been Marked, as aforesaid, by some one in whose Custody the said Standards are by this Act Appointed to Remain, shall forfeit for Every such Offence the sum of Ten Pounds, whereof the one Moiety shall be to the Poor of the Parish where such Offence is, or shall be, Committed; and the other Moiety to the Informer, and that upon Information given upon Oath, or otherwise, to any Justice of the Peace of any County, Mayor, Bayliff, Sovereign, or other Chief Magistrate of any City, Liberty, or Franchise, or Town Corporate, the said Seneschal, Justice of the Peace, Franchise, Mayors Bayliffs, Sovereign, Seneschal, aforesaid, or other Chief Magistrate to whom such Information is Given, shall immediately Issue his Warrant, Requiring the Party or Parties Complained of to appear before him; And if upon Examination it shall appear by the Oath or Oaths of one or more Credible Witnesses to the said Justice of Peace, Mayor, Bayliff, Sovereign, Seneschal, aforesaid, or other Chief Magistrate; that the said Party so Complained of, hath Sold, Delivered, or Received any sort of Corn, Grain, Mault, or Oat-Meal, by any Barrell, half Barrell, or other Measure

not

not Marked, Sealed, or Branded by the Sheriff, Mayor, Sovereign, Seneschal, or some other Person who hereby have Power, and are Appointed to make Seal, or Brand the same, That then the said Justice, Mayor, Bayliffs, Sovereign, or other Chief Magistrate within his and their Respective Precincts, shall Issue a Warrant to the Constable of the Parish where such Offender Resides, Requiring him to Levy by Distress and Sale of the Goods of the Person so Offending the said sum of Ten Pounds, whereof the one moiety shall be given to the Poor of the Parish, as aforesaid, where such Offender doth Reside, and the other moiety to the said Informer. And be it further Enacted, by the Authority aforesaid, That if any Person, who hereby hath power to Measure and Mark any Barrel, half Barrel, or other Measure brought to him, shall Mark, Seal, Brand, or allow any Barrel, half Barrel, or any other Measure which shall or doth Contain more or less, Respectively, then the said Standards Remaining in his Custody, the said Person so Doing shall Forfeit for Every such Barrel, half Barrel, or other Measure so Sealed, Marked, Branded or Allowed by him, the sum of Fifty Pounds; The one Moiety to the King, and the other Moiety to the Use of him that will sue for the same, to be Recovered by Action, Suite, Bill or Plaint, in any of his Majesties Courts of Record, at Dublin, wherein no Essoyne, Protection or Wager of Law shall be Allowed, nor any more then one Imparllance.

And be it likewise Enacted, That Every Barrel, half Barrel, and other Measure whatsoever
of

of any sort of Corn, Grain, Hault, or Oat-
Meal Hall be Sold, Delivered and Received,
Stricked without Heaps, and without Pressing
or Shaking Down : And not in any other
manner, upon pain of the Forfeiture of Five
Pounds to him that will Sue for the same, to
be Recovered by Action, Suite, Bill, or Plaint,
in any of his Majesties Courts at Dublin,
wherein no Esloyn, Protection, or Wager of
Law shall be Allowed, or any more then one
Impar lance.

And it is further enacted, That if any
Person shall be convicted of any offence
against the Statute in this behalf made,
that he shall be liable to pay a fine of
Five Pounds, or to be imprisoned for
three months, or both, at the discretion
of the Court, and that the same shall be
a sufficient satisfaction for the offence
committed, and that the Court may, in
their discretion, award costs to the
prosecution, and that the same shall be
payable by the offender, and that the
Court may, in their discretion, award
damages to the party injured, and that
the same shall be payable by the offender,
and that the Court may, in their
discretion, award a writ of Habeas
Corpus, or a writ of Certiorari, or a
writ of Prohibition, or a writ of
Injunction, or a writ of Mandamus,
or any other writ, or any other remedy,
which may be necessary for the
execution of the Statute in this behalf
made, and that the Court may, in their
discretion, award any other remedy, or
any other relief, which may be necessary
for the execution of the Statute in this
behalf made.

*** An

Anno Regni Septimo

An Act for the prevention of Vexations and Oppressions by Arrests; And of Delays in Suits of Law.

C H A P. XXV.

Whereas by the Laws of this Kingdom, in Case where any Person is Sued, Impleaded or Arrested by any Writt, Bill or Process, Issued out of any of his Majesties Courts of Record, at Dublin, in any Common Plea, at the Suit of any Common Person, The True Cause of Action ought to be set forth and Expressed in such Writt, Bill or Process, whereby the Defendant may have certain Knowledge of the Cause of the Suit; and the Officer who shall Execute such Writt, Bill or Process, may know how to take Security for the Appearance of the Defendant to the same, and the Sureties for such Appearance may rightly understand for what Cause they become Engaged.

And Whereas there is a great Complaint of the People of this Kingdom, that for Divers Years last past, very many of his Majesties Good Subjects have been Arrested upon General Writts of Trespass, Quare Clausum Fregit, or other like Writts Issued out of the Courts of Kings-Bench, and Common-Pleas, not Expressing any Particular or Certain Cause of Action; and thereupon kept Prisoners for a long time for want of Bail, Bonds, with Sureties for Appearances, having been Demanded in so great Sums,

Summe, that few or none have Dared to be Security for the Appearance of such Persons so Arrested and Imprisoned; altho in Truth there hath ben little or no Cause of Action, and oftentimes there are no such Persons who are Named Plaintiffs; but those Arrests have ben many times procured by Malicious Persons to Let and Oppress the Defendants, and to force from them Unreasonable and Unjust Compositions for Obtaining their Liberty; and by such Evil Practices many Men have ben, and are Daily Undone, and Destroyed in their Estates, without Possibility of having Reparation, the Actors Employed in such Practices having ben (for the most part) Poor and Lurking Persons, and their Actings Secret, that it hath ben found very Difficult to make True Verities on proof thereof.

For Remedy and prevention of which growing Evils and Mischiefs; And also for Discouraging all Frivolous and Unjust Suits and Causeless Arrests for the future.

Be it Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twelfth Day of December next, no Person or Persons who shall happen to be Arrested by any Sheriff, Under-Sheriff, Coroner, Steward or Bayliff of any Franchise or Liberty, or by any other Officer, Minister, Under-Bayliff, or any other Person or Persons whatsoever within this Realm, having or pretending to have Authority or Warrant in that behalf, by force

or Colour of any Writt, Bill, or Process, Issuing, or to be Issuing out of His Majesties said Court of Kings-Bench and Common-Pleas, or either of them, or other Court of Justice, in which said Writt, Bill, or Process, or at the Foot thereof, the Certainty or True Cause of Action is not Expressed, Marked, or Set Down particularly ; and for which the Defendant or Defendants in such Writt, Bill, or Process Named is and are Vallable by the Statute in that behalf made in the Thre and Twentieth Year of the Reign of the Late King Henry the Sixth, shall be Forced or Compelled to give Security, or to Enter into Bond with Sureties for the Appearances of such Person or Persons so Arrested, at the day and place in the said Writt, Bill, or Process, on the Foot thereof Specified or Contained in any Penalty or Summ of Money Exceeding the Summ of Forty Pounds of Lawful Money of England, to be Conditioned for such Appearances. And that all Sheriffs and other Officers and Ministers aforesaid, shall let to Bail, and Deliver out of Prison, and from their and Every of their Custodies, Respectively, all and every person or persons whatsoever, by them, or any of them Arrested upon any such Writt, Bill, or Process wherein the Certainty and True Cause of Action is not particularly Expressed, as aforesaid, upon Security in the summ of Forty pounds, and no more, given for Appearance of such person or persons so Arrested, unto the said Sheriff or Officer aforesaid, according to the said Statute in the said Thre and Twentieth Year of the Reign of the said King Henry the Sixth, in that behalf made and Provided.

And

And be it further Enacted by the Authority aforesaid, That upon Appearance to be Entred in the Term wherein such Writt, Bill, or Process is Returnable with the Respective Officer in that behalf for the said person or persons, by Attorney or Attorneys in the said Respective Courts from whence the said Writt, Bill, or Process Issued unto such Writt, Bill, or Process, the Bond or Bonds so given for Appearance thereunto, be, and are hereby satisfied and Discharged; And that after such Appearance so Entred, no Amercement be Sett or Estreated upon, or against any Sheriff, or other Officer aforesaid; or any other person whatsoever, Concerning the want of such Appearance: And unless the Plaintiff or Plaintiffs in any such Writt, Bill, or Process Named, shall put into the Court from whence such Writt, Bill or Process did Issue, his or their Bill or Declaration against the person or persons so Arrested in some personal Action (Ejectione firme) of Lands and Tenements before the End of the Term next following for Appearance, that then a Moulture for want of a Declaration may be Entred against the said Plaintiff or Plaintiffs in the said Courts, Respectively: And that Every Defendant in every such Writt, Bill or Process Named, shall or may have Judgment to Recover Costs against Every such Plaintiff or Plaintiffs, to be Assessed, Taxed, and Levied in such manner, and according as it is provided by the Statute for Costs made in the Thre and Twentieth Year of the Reign of the Late King Henry the Eighth, any former or other Act, Statute, Ordinance, Law, Custom, Order, Course or Use=

age of either of the said Courts to the Contrary thereof heretofore had, made, admitted, or used in any wise Notwithstanding.

Provided alwayes that this Act, nor any Clause or Thing herein before Specified or Contained shall not Extend or be Construed or Taken to Extend unto any Arrests hereafter to be made upon, or by Vertue of any Writt of Capias Utlagatum, Attachment upon Rescous, or Attachment upon any Contempt, or of any Attachment of Priviledge, at the Suit of any Priviledged person, or of any other Attachment for Contempt Whatsoever, Issuing, or to be Issuing out of Either of the said Courts, altho there be no particular Certainty of the Cause of Action Expressed or Contained in the said Writts, but that Nevertheless no Sheriff or Under-Sheriff, nor any of the Officers or Ministers aforesaid, shall Discharge any person or persons taken upon any Writt of Capias Utlagatum, out of Custody without a Lawful Superfedeas first had and Received for the same, and that upon the said Writts of Attachment such Lawful Course be taken for Security for Appearance therein, as hath been heretofore Used, any thing herein before Expressed to the Contrary thereof in any wise Notwithstanding.

And whereas many persons out of ill Intent to Delay their Creditors from Recovering their Just Debts continue Prisoners, who cannot be proceeded against in such manner as they might be if they were at Large. Now for the better Enabling all and Every person or persons to Recover their Just Debts and Demands against such Prisoners.

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Be it further Enacted by the Authority aforesaid, That Every person or persons whatsoever who now hath or have, or which at any time hereafter shall have Cause of any personal Action against any person, being a Prisoner in Prison, may Sue forth any Original Writ upon his or their Cause of Action: And that a Writ of Habeas Corpus be granted to Every such person or persons being Plaintiff or Plaintiffs, desiring the same to be Directed to the Goaler, or Keeper of the same Prison, to have the Body of such Prisoners before any his Majesties Justices of the Kings-Bench, or Common-Pleas at some certain Day in any Term, to Answer the said Plaintiff or Plaintiffs upon his or their said Cause of Action; And that if the said Plaintiff or Plaintiffs at the said Day put into the said Court his or their Declaration, according to the said Original Writ against the said Prisoner being present at the Bar, the said person shall be bound to appear in person, or to put in an Attorney to appear for him in the said Action, and unless the said Defendant plead upon a Rule given to be out at the Eight Days at the least, after such Appearance Judgment by Nihil dicit may be Entred against such Defendants as Appearing in person, which shall be Good and Effectual in Law: And such Charge in Court by Declarations signified by Rule unto the Goaler or Keeper shall be a Good Cause of Detention of such Prisoner in his Custody, from which he shall not be Discharged without a Lawful Superedeas, or Rule of Court: And if the said Goaler or Keeper shall do otherwise, he shall be Responsible to the Court, and to the Party grieved

grieved for Damages, by Action upon the Case, to be brought against him for Discharging such Prisoner.

And Whereas very many Suites Commenced by Original Writts have been Protracted and long Delayed from Judgment and Execution, by Reason of the Necessity of having Fifteen Days, at the least, between the Days of the Teste, and the Days of the Return of Writts now Used in personal Actions, and also in Actions of Ejectione firme, for Lands and Tenements. For Remedy whereof ; and for the more Easy Expediting Tryals, and the better and more speedy Executing Judgments for the time to come.

Be it further Enacted, by the Authority aforesaid, That in all Actions of Debt, and all other personal Actions whatsoever ; And also in Actions of Ejectione firme, for Lands or Tenements, now Depending, or which at any time hereafter shall be Depending in either of his Majesties Courts aforesaid, after any Issue therein Joyned, to be Tryed by a Jury ; and also after any Judgment had or obtained, or to be had or obtained in any the Courts aforesaid, in any such Action, as aforesaid, there shall not need to be Fifteen Days between the Teste and Day of Return of any Writt or Writts of Venire facias, Habeas Corpora Jurator. or Distringas Jurator. Writts of Fieri facias, or Writts of Capias ad Satisfaciendum, and that the Want of Fifteen Days between the Test Day, and the Day of the Return of any such Writt, shall not be, nor shall be Assigned, Taken, or Adjudged to be any Matter or Cause of Error ; Any Law, Custom,

from, Statute, Course or Usage to the Contrary thereto, in any wise notwithstanding.

Provided Nevertheless that this Act nor any thing therein Contained shall not Extend, or be Construed to Extend to any Writ of Capias ad satisfaciend. Whereas a Writ of Exigent after Judgment is to be Awarded, nor to Capias ad satisfaciend. against the Defendant, in Order to make any Bail Lyable, but that the same Continue and be as if this Act had never been made.

And Whereas by an Act of Parliament made in this Kingdom in the Tenth year of the Reign of our late Sovereign Lord King Charles the First, of Blessed Memory, a very good Law was made for avoiding Unnecessary Delays of Execution, whereby it is Enacted, That no Execution shall be Stayed or Delayed upon or by any Writ of Error, or Superfedeas thereupon, to be Sued for the Reversing of any Judgment to be given in any Action or Bill of Debt, upon any single Bond for Debt, or upon any Obligation, with Condition for payment of Money only, or upon any Action or Bill of Debt for Rent, or upon any Contract Sued in any of His Majesties Courts of Record at Dublin; unless such person or persons in whose name or names such Writ of Error shall be brought with two sufficient Sureties, such as the Court wherein such Judgment is to be given shall allow of, shall first before such Stay made or Superfedeas to be awarded, be bound to the party for whom any such Judgment was or should be given by Recognizance to be acknowledged in the same Court, in double the Sum adjudged, to be recovered by the said former

Judgment; to prosecute the said Writ of Error with Effect, and also to satisfy and pay (if the said Judgment shall be affirmed) all and singular the Debts, Damages and Costs adjudged, or to be adjudged upon the former Judgment, and all Costs and Damages to be also awarded for the same delaying of Execution, which Law hath been found by experience to be very good and beneficial to the Commonwealth. And forasmuch as divers other Causes wherein the same Mischief by Delays and Staying of Execution by Writs of Error and Superseas thereupon are not provided for by the Statute in the several Actions hereafter Specified.

Be it further Enacted, That the said Recited Act be of Force in this Kingdom. And be it further Enacted and Ordained, by the Authority aforesaid, That from and after the Twentieth Day of December next no Execution shall be Stayed in any of His Majesties Four Courts, or in the County Palatine of Tipperary, by any Writ or Writs of Error or Superseas thereupon, after any Verdict and Judgment thereupon obtained in any Action of Debt, or in any Action upon the Case, upon any Promise for the payment of Money, Actions Sur Trower, Actions of Covenant, Detinue and Trespass, unless such Recognizance, and in such manner as by the said Recited former Act is Directed, shall be first Acknowledged in the said Court where such Judgment is given.

And be it also Enacted by the Authority aforesaid, That if any Person or Persons after the said Day shall Sue or Prosecute any Writ or Writs of Error for the Reversal of any Judgment whatsoever given after any Verdict in any

any the Courts aforesaid ; and the said Judgment shall afterwards be Affirmed, then Every such Person or Persons shall Pay unto the Defendant or Defendants in the said Writ or Writts of Error, his or their Double Costs, to be Assessed by the Court where such Writ of Error shall be Depending, for the Delaying of Execution.

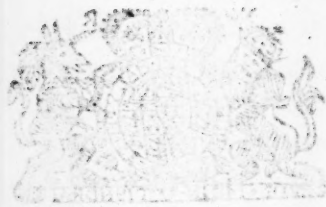
Provided Nevertheless that this Act, nor any Thing therein Contained, shall not Extend to any Action Popular, nor unto any other Action which is, or hereafter shall be brought upon any Penal Law, or Statute, nor to any Indictment, Presentment, Inquisition, Information or Appeal, any thing herein before Expressed to the Contrary thereof Notwithstanding.

A N
A C T
For Banishing all
P A P I S T S
Exercising any Ecclesiastical Jurisdiction,
AND ALL
R E G U L A R S
OF THE
Popish Clergy
Out of this
K I N G D O M.



D U B L I N:
Printed by *Andrew Crook*, Printer to the King's
Most Excellent Majesty, on *Cork-Hill*, near
Copper-Alley. M DC XC VII.

THE
 ARTS
 OF THE
 LIBERAL
 CLASSES
 OF THE
 KINGDOM.



Printed by Andrew Gault, Printer to the Kings
 Most Excellent Majesty, on Cow-Hill, near
 Great-Alley. MDCXCVII.

An ACT for Banishing all *Papists* exercising any Eccle- siastical Jurisdiction, and all Re- gulars of the *Popish Clergy* out of this Kingdom.

CHAP. XXVI. = I

WHEREAS, it is Notoriously known,
That the late Rebellions in this King-
dom have been Contributed, Promoted
and Carried on by Popish Arch-Bi-
shops, Bishops, Jesuits, and other Ecclesiasti-
cal Persons of the Romish Clergy. And for-
asmuch as the Peace and Publick Safety of
this Kingdom is in Danger, by the great
number of the said Arch-Bishops, Bishops,
Jesuits, Friers, and other Regular Romish
Clergy, now residing here, and settling in Fra-
ternities and Societies, contrary to Law, and
to the great Impoverishing of many of His Ma-
jesty's Subjects of this Kingdom, who are
forced to maintain and support them; which
said Romish Clergy do, not only endeavour to
withdraw His Majesty's Subjects from their
Obedience, but do daily stir up, and move Se-
dition, and Rebellion, to the great hazard of
the Ruine and Desolation of this Kingdom. For

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the prevention of all which Mischiefs, his Majesty is Graciously Pleased that it be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all Popish Arch-Bishops, Bishops, Vicars-General, Deans, Jesuits, Monks, Friars, and all other Regular Popish Clergy, and all Papists exercising any Ecclesiastical Jurisdiction, shall depart out of this Kingdom before the First day of May, which shall be in the Year of Our Lord, One thousand, Six hundred, Ninety eight: And if any of the said Ecclesiastical Persons, shall be at any time after the said First day of May, within this Kingdom, they, and every of them shall suffer Imprisonment, and remain in Prison, without Bail or Mainprize till he or they shall be Transported beyond Seas, out of his Majesty's Dominions, Wherever his Majesty, his Heirs or Successors, or the Chief Governor or Governors of this Kingdom, for the time being, shall think fit: And if any person so Transported, shall return again into this Kingdom, they, and every of them, shall be Guilty of High-Treason; and every person so Offending, shall for his Offence, be adjudged a Traitor, and shall suffer, lose and forfeit as in Case of High-Treason.

And be it further Enacted by the Authority aforesaid, That all and every such Popish Arch-Bishops, Bishops, Deane, Vicars-General, Jesuits, Friars, and all other Popish Regular

Regular Clergy in this Kingdom, shall before the said first day of May, repair to the City of Dublin, Cork, Kingfale, Youghal, Waterford, Wexford, Gallway, or Carrickfergus, and there remain, until there shall be Conveniency of Shipping, for their Transportation into some Parts beyond Seas, and out of His Majesty's Dominions. every of them on their first coming into any of the said Cities and Towns, giving in their Names to the Mayor, or other Chief Magistrate, who is hereby required to Register the same, and return an Account thereof to the Clerk of the Council, within Ten days; and that the said Mayor, or other Chief Magistrate of each Town, and also the Collector and Surveyor of the Port, shall give their best Assistance in Transporting every such Popish Arch-Bishop, Bishop, and other Popish Regular Clergy-man.

And be it further Enacted by the Authority aforesaid, That from and after the Twentieth ninth day of December, which shall be in the Year of Our Lord God, One thousand, Six hundred, and Ninety seven, no Popish Arch-bishop, Bishop, Vicar-General, Deane, nor any other Papist exercising any Ecclesiastical Jurisdiction, not Established by the Laws of this Kingdom, Jesuite, or Frier shall come into this Kingdom, from any parts beyond the Seas, on pain of Twelve Months Imprisonment, and then to be Transported in manner aforesaid: And if any such Romish Ecclesiastical Person, so Transported, shall again return into this Kingdom, he and they so offending, shall be guilty of High-Treason, and Suffer accordingly.

And be it further Enacted, That any person that shall from and after the said first day of May, knowingly harbour, relieve, conceal, or entertain any such Popish Arch-Bishop, Bishop, Vicar-General, Deane, Jesuite, Frier, or any other Papist exercising any Ecclesiastical Jurisdiction, not Established by the Laws of this Kingdom, or any Regular Popish Clergy-man, hereby required to depart out of this Kingdom, in manner aforesaid, or that from and after the said Twenty ninth day of December, One thousand, Six hundred, Ninety seaven, shall come into this Kingdom, contrary to the Tenor of this Act, shall for the first Offence, forfeit the Summ of Twenty pounds; for the second Offence, double the said Summ, to be Levied in manner herein-after expressed: And if he shall Offend the third time, to forfeit all his Lands and Tenements of Freehold or Inheritance, during his Life, and also all his Goods and Chattels; One Moiety whereof to his Majesty, his Heirs and Successors, the other Moiety, to such Person as shall Inform, so as such Moieties do not exceed the Summ of One hundred pounds, and the Surplus of what shall remain to his Majesty, his Heirs and Successors, the said Forfeiture for such third Offence, to be Recovered by Bill, Plaint, Information, or Action for Debt, in any his Majesty's Courts of Record at Dublin, or at the Assizes in the respective Counties.

And be it Enacted by the Authority aforesaid, That upon Information on Oath, to any Justice of Peace in his respective County, against any Person or Persons, that shall knowingly Entertain, Succour, Relieve or Conceal any such
Popish

Popish Arch-bishop, Bishop, Jesuite, Frier, or other Ecclesiastical Popish Person, contrary to the purport and meaning of this Act; the said Justice of the Peace, shall immediately Issue a Summons in Writing under his Hand, thereby requiring the Person and Persons so Informed against, at a certain Day and Place within the said County, where such Offence shall be Committed, to appear before him, and some other Justice of the Peace of the said County, to Answer the said Matter laid to his, or their Charge; at which time and place the said Justices shall in presence of the Person or Persons Accused, or in Case of his or their Neglect to appear, being duly Summoned, proceed to the Examination of the said Matter; and if it shall appear to them, on Evidence upon Oath, that the Person or Persons so Complained of are Guilty, the said Justices shall by Warrant under their Hands and Seals, Levy the aforesaid Forfeitures of Twenty pounds for the first Offence, and Forty pounds for the second Offence, of the Goods and Chattels of the Person or Persons Offending, by Distress, Sale, or otherwise, and dispose of one Moiety of such Forfeitures to the Informer or Informers, and the other Moiety to the Treasurer of the County, where such Offence shall be Committed, for the Use of the County; and for Default thereof, to Commit the Person Offending to the County Goal, there to remain without Bail or Mainprize, until he or they shall pay the said Forfeitures and Penalties.

And be it further Enacted, That no Person whatsoever shall from, and after the said Twenty Ninth Day of December, Bury any Dead in
any

any suppress'd Monastery, Abby, or Convent, that is not made use of, for Celebrating Divine Service, according to the Liturgy of the Church of Ireland, by the Law Established, or Within the Precincts thereof, upon Pain of Forfeiting the Summ of Ten pounds; which said Summ of Ten pounds shall, and may be Recovered from any Person or Persons, that shall be present at such Burial, and Offending contrary to the Tenor of this Act; which said Forfeitures, all and every Justices of the Peace, in his, and their respective Counties, are hereby Authorized, to Hear and Determine in manner as herein before is mentioned and declared; one moiety of which said last Forfeiture for Burying contrary to this Act, shall be by such Justice given unto the Informer, and the other moiety to the Minister and Church-wardens of the Parish, where any such Offences shall be Committed, to be disposed of for the Use of the Parish.

Provided always, that if any Person or Persons shall think him, or themselves agrieved, by the Judgment and Determination of such Two Justices of the Peace, that the Person and Persons so agrieved, may Appeal from their Judgment and Determination, to the next Judges of Assize, or to the Justices of Peace, at the next General Quarter-Sessions, who are hereby Impowered to Examine the said Matter, and give such Relief therein, as to them shall seem meet.

And it is further Enacted that all and every Justice of the Peace, shall from time to time Issue their Warrants for Apprehending, and Committal of all Popish Arch-Bishops, Bishops, Jesuits, Friars and other Popish Ecclesiastical persons
 Whatsoever

whatsoever that shall remain or Continue in this Kingdom, contrary to the Tenor and meaning of this Act: And for Suppressing all Monasteries, Frieries, Runneries, or other Popish Fraternities or Societies.

And be it further Enacted by the Authority aforesaid, That all and every the Justices of the Peace in this Kingdom, shall give an accompt in Writing, of their proceedings in Execution of this Statute, at the next General Quarter-Sessions for the County, in which he shall dwell, which shall be at such Quarter-Sessions Entred and Registred.

And be it further Enacted, That if any Justice of the Peace, Mayor, or other Officer shall neglect doing their Duty in Execution of this present Act, every such Justice of the Peace, Mayor, and other Officer, shall for every such neglect, forfeit the Summ of One hundred Pounds, to be Recovered by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Esloyn, or Wager of Law shall be allowed of, nor but one Imparlance; one Moiety thereof to the King's Majesty, his Heirs and Successors, the other Moiety to the Informer, or Person that shall sue for the same, and be Disabled from serving as a Justice of Peace, during his Life.

FINIS.